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Subject: Proposal for a Regulation of the European Parliament and of the Council
amending 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 ("Tachograph")
- Preparation for the next informal trilogue

I. Introduction

1. In view of an early second reading agreement on the tachograph Regulation, a first informal trilogue took place in Brussels on 15 November 2012 under the Cyprus Presidency and a second one was held on 26 February 2013 under the Irish Presidency. The third trilogue is scheduled for 20 March 2013.

2. As set out in the fourth column of the table in the Annex to this report, the Presidency prepared several new compromise proposals on some outstanding issues, which were not yet examined, with a view to preparing for the next informal trilogue.
3. At its meeting on 1 and 5 March, the Land Transport Working Party examined the new compromise proposals put forward by the Presidency, which were generally positively welcomed by the delegations.
4. In addition, following the trilogue on 26 February 2013, the Presidency puts forward revised compromise proposals on two important issues for the European Parliament, namely retrofitting vehicles with the new smart tachograph and the inclusion of weight sensors in the smart tachograph, following latest contacts at technical level between the Presidency and the Parliament.
5. The Permanent Representatives Committee is invited to analyse the suggestions presented by the Presidency in the fourth column of the table in Annex to this note in order to give the Presidency a mandate to negotiate with the European Parliament on 20 March 2013

II. Preparation of the next trilogue on 20 March 2013

Although some progress was made at the first and second informal trilogues, including on sensitive issues such as the recording of additional location points by satellite technology, several questions need, however, to be submitted again to the Permanent Representatives Committee, in particular on retrofitting of vehicles with the smart tachograph and on the inclusion of weight sensors in the smart tachograph. Besides, several new outstanding issues as listed below need to be examined by the Permanent Representatives Committee, on the basis of new compromise proposals put forward by the Presidency and presented in the Annex to this report. In addition to retrofitting and weight sensors, the Presidency has therefore decided to concentrate the next examination by the Committee on the following five outstanding issues, to be discussed with the rapporteurs during the third informal trilogue:

- Data protection aspects
- Date of entry into force of the smart tachograph
- Interface with Intelligent Transport Systems (ITS)
- Training and Certification of control officers
- Equipment for control officers

Therefore, the Presidency invites delegations to focus their interventions on the above mentioned issues, bearing in mind that the Committee will be requested to examine, at a later stage, the remaining outstanding issues in preparation for the last informal trilogue (which is scheduled for 8 May 2013).

III. Major outstanding issues

- **Retrofitting (Amendment 38)**

The subject of retrofitting is crucial for the European Parliament who considers that by 2020 all vehicles should be fitted with the new smart tachograph to increase road safety in compliance with the relevant social legislation. The EP had initially indicated some potential flexibility to limit retrofitting to vehicles involved in international and/or long distance transport only. However, at the second informal trilogue on 26 February 2013, the Parliament took a more radical stance and insisted on the importance of applying retrofitting to all vehicles (i.e. involved in national and international transport). The Parliament also rejected the exemption proposed by the Presidency for vehicles operating in border areas that may be driving on a regular basis only relatively short regional distances (200 km or less) but showed more openness on the time period for the application of the retrofitting requirements.

In the Presidency's view, the Council has been clear that there can be no flexibility to retrofit vehicles in national transport. Against this background, the Presidency would like to present, as a last offer on this issue, two options to the European Parliament:

- A 15 year timeframe for this retrofitting requirement (from the date that newly registered vehicles are required to have the new smart tachograph) to be applicable to vehicles involved in international transport only; OR
- A 10 year timeframe for this retrofitting requirement (from the date that newly registered vehicles are required to have the new smart tachograph) to be applicable to vehicles involved in international transport only, with an exemption from this requirement for vehicles operating within 200km of their Member State of registration. This exemption is designed to protect operators in small Member States or those operating in border areas who travel only short, regional distances from being disproportionately impacted by a retrofitting requirement.

The Presidency would like to invite delegations to indicate whether they can accept to offer the European Parliament these options.

- **Inclusion of weight sensors in the smart tachograph (Amendments 13+147+148, 149, 63+150, 71+151)**

To respond to the EP proposal to include weight sensors in the smart tachograph in order to improve compliance by road transport undertakings with the legislation in force, the Presidency proposes to modify the text of the Council's political agreement by adding a recital on this issue.

The Parliament agrees on the principle of a recital but would like the compromise text to establish a close link between the inclusion of weight sensors and an improved enforcement of driving and working times.

Against this background, the Presidency suggests that the recital should refer, in general terms, to a future assessment to be made by the Commission concerning the use of weight sensors and their potential contribution to the enforcement of driving and working times (see text proposal in the fourth column).

The Presidency would like to invite delegations to signal whether some flexibility can be shown to accept this revised compromise proposal for a recital.

- **Date of entry into force of the smart tachograph (EP amendments 46, 51, 60 and 61)**

According to the Commission's proposal, vehicles put into service for the first time should be fitted with the smart tachograph 48 months after the entry into force of this Regulation. Considering that this Regulation would enter into force in 2013, the commercialisation of the new equipment could take place at the beginning of 2018.

In the Council's political agreement, the smart tachograph shall enter into force - for vehicles registered for the first time - 40 months after the entry into force of technical specifications as referred to in Article 6a of the Regulation. The Commission is expected to adopt the necessary technical specifications at the latest by 31 December 2014. This would mean that the smart tachograph would be commercialised 40 months after that date, during the first half of 2018.

On the contrary, the European Parliament requires that vehicles put into service 24 months after the entry into force of the technical specifications shall be fitted with a tachograph connected to a GNSS.

In this context, the Presidency would like to explore the flexibility of Member States on this issue, in particular whether delegations would be in a position to reduce the timeframe for the entry into force of the smart tachograph from 40 to 36 months after the entry into force of the technical specifications.

- **Data protection (EP amendments 12, 44, 48, 49, 101 and 102)**

In its political agreement, the Council considered that the initial provision proposed by the Commission on data protection legislation (Article 34 in the Commission proposal) was insufficient in terms of data protection, and aligned the text with the opinion of the European Data Protection Supervisor.

The European Parliament is also in favour of reinforcing the requirements related to data protection, in line with the opinion of the European Data Protection Supervisor and proposes accordingly a separate Article on data protection and privacy (amendment 44). The Parliament also requests that this Article is inserted under Chapter I at the beginning of the Regulation in order to underline the importance granted by the EP to those provisions. It should be noted that this EP amendment is partly covered by Article 34 of the Council's political agreement.

Taking into account the fact that the respective EP and Council's positions are relatively close, the Presidency suggests:

- moving the provisions on data protection to Chapter I concerning the principles, scope and requirements, as requested by the Parliament;
 - accepting EP amendment 12 with some adjustment to ensure that personal data is protected;
 - in relation to amendment 44, mainly accepting the EP text, along with an additional clarification concerning the protection of the personal data associated with the use of the new functionality resulting from the remote communication from the tachograph and the recording of location points.
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- **Interface with Intelligent Transport Systems (EP amendment 59+122 on Article 6(1), EP amendments 60, 61 and 62+123)**

Concerning the interface with Intelligent Transport Systems (Article 6), the Council's political agreement provides that it is not mandatory to equip the tachograph with interfaces.

On the contrary, the European Parliament would like tachographs to be equipped with a harmonised interface allowing the data recorded to be used for intelligent transport systems application.

Against this background, the Presidency suggests that tachographs of vehicles registered for the first time 36 months after the entry into force of the technical specifications are *either* equipped with an ITS interface *or* have the capacity to connect to an interface allowing the data recorded or produced by the tachograph to be used by an external device, thereby clarifying that the tachograph will have the capacity to connect to external devices but transport undertakings will remain able to choose whether or not to connect the tachograph to external devices.

In addition, the Presidency suggests adding a new recital (7a) in order to underline that priority should be given to the development of applications which help drivers to interpret the data recorded in the tachograph.

- **Certification and training of control officers (EP amendments 97, 98, 104, 105, 106, 107 and 108)**

The harmonisation of certification and training of control officers constitutes a priority for the European Parliament.

The Council is strongly opposed to any certification system for enforcement officers and, therefore, cannot accept the EP amendments related to this issue. As far as training is concerned, the Council could show more flexibility.

The Presidency proposes, therefore, a compromise, under Article 35, paragraph 3, according to which the measures to be adopted by the Commission, specifying the content of the initial and continuing training of control officers, shall be included in the training delivered to control officers. The training specified by the Commission shall include guidelines to facilitate the implementation of the relevant provisions of this Regulation and of Regulation 561/2006.

- **Equipment for control officers (EP amendments 52, 88 and 103)**

In relation to the remote early detection of possible manipulation or misuse, the Council's political agreement provides, under Article 5, that Member States may decide not to equip their control authorities with the remote early detection equipment.

On the contrary, the European Parliament considers that Member States should be imposed an obligation to equip their control authorities with the remote early detection equipment in order to efficiently control smart tachographs.

The Presidency proposes a compromise, according to which the remote early detection equipment for control officers remains a possibility only, but takes into account at the same time the concerns of the Parliament (under amendment 103) that sufficient equipment and appropriate legal powers shall be made available to control officers (listing out the detailed equipment to be made available).

V. Conclusion

The Permanent Representatives Committee is therefore invited to examine the proposals presented by the Presidency on the above outstanding issues, to endorse the compromise proposals which are acceptable to the European Parliament, and to give the Presidency a mandate for the next informal trilogue on 20 March, as set out in the fourth column of the document in the Annex to this note.

Revised 4-column table

Proposal for a Regulation of the European Parliament and of the Council amending 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 ("Tachograph")

Commission proposal st13195/11	EP amendments (1st reading)	Council's position st12870/12	Comments
Title			
REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending 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		REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL [...] on <u>tachographs in road transport and repealing Council Regulation (EEC) No 3821/85 and amending Regulation (EC) No 561/2006 of the European Parliament and the Council</u>	
Amendment 1 Citation 5			
After consulting the European Data Protection Supervisor,	<i>Having regard to the opinion of the European Data Protection Supervisor of 5 October 2011</i> ¹ ,	After consulting the European Data Protection Supervisor,	Package I EP text acceptable to the Council.

¹ OJ C 37, 10.2.2012, p. 6.

Commission proposal st13195/11	EP amendments (1st reading)	Council's position st12870/12	Comments
Recital 1			
<p>(1) Council Regulation (EEC) No 3821/85 of 20 December 1985 on recording equipment in road transport² lays down provisions concerning the construction, installation, use and testing of recording equipment. It has been substantially amended on several occasions, and in order to ensure greater clarity, its main provisions should therefore be simplified and re-structured.</p>		<p>(1) Council Regulation (EEC) No 3821/85 of 20 December 1985 on recording equipment in road transport³ lays down provisions concerning the construction, installation, use and testing of [...] tachographs. It has been substantially amended on several occasions, and in order to ensure greater clarity, its main provisions should therefore be simplified and re-structured.</p>	<p>Package I Council's text acceptable to EP.</p>
Recital 2			
<p>(2) Experience has shown that in order to ensure the effective application of Regulation (EEC) No 3821/85, certain technical elements and control procedures should be improved.</p>		<p>(2) Experience has shown that in order to ensure the [...] effectiveness and efficiency of the tachograph system, certain technical elements and control procedures should be improved.</p>	<p>Package I Council's text acceptable to EP.</p>

² OJ L 370, 31.12.1985, p. 8.

³ OJ L 370, 31.12.1985, p. 8.

Commission proposal st13195/11	EP amendments (1st reading)	Council's position st12870/12	Comments
<p>(3) Certain vehicles are subject to an exemption from the provisions of Regulation (EC) No 561/2006 of the European Parliament and of the Council of 15 March 2006 on the harmonisation of certain social legislation relating to road transport and amending Council Regulations (EEC) No 3821/85 and (EC) No 2135/98 and repealing Council Regulation (EEC) No 3820/85⁴. In order to ensure coherence, it should also be possible to exempt such vehicles from the scope of Regulation (EEC) No 3821/85.</p>	<p>Recital 3</p>	<p>(3) Certain vehicles are subject to an exemption from the provisions of Regulation (EC) No 561/2006 of the European Parliament and of the Council of 15 March 2006 on the harmonisation of certain social legislation relating to road transport and amending Council Regulations (EEC) No 3821/85 and (EC) No 2135/98 and repealing Council Regulation (EEC) No 3820/85⁵. In order to ensure coherence, it should also be possible to exempt such vehicles from the scope of <u>this</u> Regulation <u>[...]</u>.</p>	<p>Package IV</p>

⁴ OJ L 102, 11.04.2006, p.1.

⁵ OJ L 102, 11.04.2006, p.1.

Commission proposal st13195/11	EP amendments (1st reading)	Council's position st12870/12	Comments
Amendment 2 Recital 4			
<p>(4) In order to ensure coherence between the different exemptions set out in Article 13 of Regulation (EC) No 561/2006, and to reduce the administrative burden on transport undertakings whilst respecting the objectives of that Regulation, the maximum permissible distances set out in its Articles 13(d), (f) and (p) should be revised.</p>	<p>(4) In order to ensure coherence between the different exemptions set out in Article 13 of Regulation (EC) No 561/2006, to reduce the administrative burden on transport undertakings, to reduce bureaucracy and to ensure that recording equipment continues to develop in line with practice, whilst respecting the objectives of that Regulation, the maximum permissible distances set out in its Articles 13(d), (f) and (p) should be revised.</p>	<p>(4) In order to ensure coherence between the different exemptions set out in Article 13 of Regulation (EC) No 561/2006, and to reduce the administrative burden on transport undertakings whilst respecting the objectives of that Regulation, the maximum permissible distances set out in its Articles 13(d), (f) and (p) should be revised.</p>	<p><u>Package IV</u> Council's text acceptable to EP</p>
Recital 4a (new)			
		<p><u>(4a) It is understood that the Commission will consider extending the period of validity of the adaptor for M1 and N1 vehicles until 2015 and will give further consideration to a long term solution for M1 and N1 vehicles before 2015.</u></p>	<p><u>Package I</u> Council's text acceptable to EP.</p>

Commission proposal st13195/11	EP amendments (1st reading)	Council's position st12870/12	Comments
<p>(5) The recording of location data facilitates the cross checking of driving times and rest periods in order to detect anomalies and fraud. The use of recording equipment connected to a global navigation satellite system is an appropriate and cost-efficient means of allowing the automatic recording of such data in order to support control officers during controls, and should therefore be introduced.</p>	<p>Recital 5</p>	<p>(5) [...] The use of [...] tachographs connected to a global navigation satellite system is an appropriate and cost-efficient means of allowing the automatic recording of [...] the position of the starting and ending place of the daily working period in order to support control officers during controls, and should therefore be introduced.</p>	<p>Package I</p> <p>See also compromise proposal for AM 46.</p> <p><u>Presidency compromise proposal acceptable to the Council:</u></p> <p>"(5) [...] The use of [...] tachographs connected to a global navigation satellite system is an appropriate and cost-efficient means of allowing the automatic recording of [...] the position of the vehicle at certain points during the daily working period, in order to support control officers during controls, and should therefore be introduced".</p>

Commission proposal st13195/11	EP amendments (1st reading)	Council's position st12870/12	Comments
	<p>Recital 5a (new)</p> <p>(5a) <u>Taking into account that in the case C-394/92 the European Court of Justice has provided a definition of the "daily working period", the control authorities should read the provisions of the present Regulation in the light of that definition. The "daily working period" commences at the time when the driver switches on the tachograph following a weekly or daily rest period, or, if the daily rest is divided into separate periods, following the rest period of at least nine hours' duration. It ends at the beginning of a daily rest period or, if the daily rest is divided into separate periods, at the beginning of a rest period extending over a minimum of nine consecutive hours.</u></p>		<p><u>Package I</u></p> <p>Linked to EP Amendment 21</p> <p>Council keeps its initial position (i.e. recital) and considers that the inclusion of this text into the main body of the text is not appropriate.</p>

Commission proposal st13195/11	EP amendments (1st reading)	Council's position st12870/12	Comments
Recital 6			
<p>(6) Directive 2006/22/EC of the European Parliament and of the Council of 15 March 2006 on minimum conditions for the implementation of Council Regulations (EEC) No 3820/85 and (EEC) 3821/85 concerning social legislation relating to road transport activities and repealing Council Directive 88/599/EEC⁶ requires Member States to carry out a minimum number of checks at the roadside. Remote communication between the recording equipment and control authorities for roadside control purposes facilitates targeted roadside checks, making it possible to reduce the administrative burden created by random checks on transport undertakings, and should accordingly be introduced.</p>		<p>(6) Directive 2006/22/EC of the European Parliament and of the Council of 15 March 2006 on minimum conditions for the implementation of Council Regulations (EEC) No 3820/85 and (EEC) 3821/85 concerning social legislation relating to road transport activities and repealing Council Directive 88/599/EEC⁷ requires Member States to carry out a minimum number of checks at the roadside. Remote communication between the [...] tachograph and control authorities for roadside control purposes facilitates targeted roadside checks, making it possible to reduce the administrative burden created by random checks on transport undertakings, and should accordingly be introduced.</p>	<p>Package I Council's text acceptable to EP.</p>

⁶ OJ L 102, 11.04.2006, p. 35.

⁷ OJ L 102, 11.04.2006, p. 35.

Commission proposal st13195/11	EP amendments (1st reading)	Council's position st12870/12	Comments
Recital 7			
<p>(7) Intelligent transport systems (ITS) can help to meet the challenges faced by the European transport policy, such as increasing road transport volumes and congestion or rising energy consumption. Standardised interfaces should therefore be provided in recording equipment in order to ensure interoperability with ITS applications.</p>		<p>(7) Intelligent transport systems (ITS) can help to meet the challenges faced by the European transport policy, such as increasing road transport volumes and congestion or rising energy consumption. Standardised interfaces should therefore be provided in [...] tachographs in order to ensure interoperability with ITS applications.</p>	<p>Package I Council's text acceptable to EP.</p>
Recital 8			
<p>(8) The security of the recording equipment and its system is essential to ensure that trustworthy data is produced. Manufacturers should therefore design, test and continuously review recording equipment throughout its life cycle in order to detect, prevent and mitigate security vulnerabilities.</p>		<p>(8) The security of the [...] tachograph and its system is essential to ensure that trustworthy data is produced. Manufacturers should therefore design, test and continuously review [...] recording equipment the tachograph throughout its life cycle in order to detect, prevent and mitigate security vulnerabilities.</p>	<p>Package I Council's text acceptable to EP.</p>

Commission proposal st13195/11	EP amendments (1st reading)	Council's position st12870/12	Comments
Recital 9			
<p>(9) Field tests of recording equipment that has not yet been type approved allow equipment to be tested in real life situations before it is widely introduced, thereby allowing faster improvements. Field tests should therefore be permitted , on condition that participation in such tests and compliance with Regulation (EC) No 561/2006 is effectively monitored and controlled.</p>		<p>(9) Field tests of [...] a tachograph that has not yet been type approved allow equipment to be tested in real life situations before it is widely introduced, thereby allowing faster improvements. Field tests should therefore be permitted, on condition that participation in such tests and compliance with Regulation (EC) No 561/2006 is effectively monitored and controlled.</p>	<p><u>Package I</u> Council's text acceptable to EP.</p>
Recital 9a (new)			
		<p><u>(9a) Considering the importance of maintaining the highest possible security level, security certificates should be issued by a certification body recognised by the Management Committee within the framework of the "Mutual Recognition Agreement of Information Technology Security Evaluation Certificates" of the European Senior Official Group on Information Security (SOG-IS). In the context of international</u></p>	<p><u>Package I</u> Linked to Amendments 63 & 150. Council's text acceptable to EP.</p>

Commission proposal st13195/11	EP amendments (1st reading)	Council's position st12870/12	Comments
		<p><u>relations with third countries, the Commission should not recognise any certification body for the purposes of this regulation without such a body providing equivalent conditions of security evaluation as foreseen under the Mutual Recognition Agreement referred to above. In this respect, the advice of the Management Committee should be relied upon.</u></p>	
<p>(10) Fitters and workshops play an important part in the security of recording equipment. It is therefore appropriate to lay down certain minimum requirements for their approval and audit. and to ensure that conflicts of interest between workshops and transport undertakings are prevented.</p>	<p>Recital 10</p>	<p>Fitters and workshops play an important part in the security of <u>L...l tachographs</u>. It is therefore appropriate to lay down certain minimum requirements for their approval, <u>reliability</u> and audit <u>L...l. Moreover, Member States should take appropriate measures</u> to ensure that conflicts of interest between workshops and transport undertakings are prevented. <u>Nothing in this Regulation would prevent Member States from ensuring their approval, control and certification, as set out herein,</u></p>	<p><u>Package I</u></p> <p><u>1st part:</u> Council's text acceptable to EP.</p> <p><u>2nd part:</u> EP wishes to be clearer on the fact that at least the minimum criteria in Article 19.2 are fulfilled.</p> <p><u>Presidency compromise proposal acceptable to the Council:</u></p> <p>"Fitters and workshops play an important part in the security of <u>L...l tachographs</u>. It is therefore</p>

Commission proposal st13195/11	EP amendments (1st reading)	Council's position st12870/12	Comments
		<p><u>through the procedures laid down in Regulation 765/2008.</u></p>	<p>appropriate to lay down certain minimum requirements for their approval, <u>reliability</u> and audit <u>I...J. Moreover, Member States should take appropriate measures</u> to ensure that conflicts of interest between workshops and transport undertakings are prevented. Nothing in this Regulation would prevent Member States from ensuring their approval, control and certification, as set out herein, through the procedures laid down in Regulation 765/2008, <u>provided that the minimum criteria in Article 19.2 are fulfilled</u>".</p>
Recital 11a (new)			
		<p><u>(11a) When checking the uniqueness of the driver card, Member States should use the procedures such as the ones included in the Commission Recommendation of 13 January 2010 on the secure exchange of electronic data between Member States.</u></p>	<p><u>Package I</u> Council's text acceptable to EP.</p>

Commission proposal st13195/11	EP amendments (1st reading)	Council's position st12870/12	Comments
	<p>Recital 11b (new)</p>	<p>(11b) Consideration should be given to the special situation in which a Member State should be able to provide a driver who does not have his normal residence in a Member State or an AETR state with a temporary, non-renewable driver card. In such cases, the Member States concerned are to fully apply the relevant provisions of this Regulation.</p>	<p>Package I</p> <p>EP is considering clarifications provided by Commission and Presidency. EP to confirm its position.</p> <p><i>[Mirrors Article 21(3a)].</i></p>
	<p>Recital 11c (new)</p>	<p>(11c) Furthermore, the possibility for Member States to issue driver cards to drivers resident on its territory also when the Treaties do not apply to certain parts thereof should be recognised. In such cases, the Member States concerned are to fully apply the relevant provisions of this Regulation.</p>	<p>Package I</p> <p>EP is considering clarifications provided by the Presidency and the position of the Commission. EP to confirm its position.</p> <p><i>[Mirrors Article 21(3a)].</i></p>

Commission proposal st13195/11	EP amendments (1st reading)	Council's position st12870/12	Comments
<p>(12) As fraud and misuse in relation to driving licences is less likely to occur than with driver cards, the recording equipment system would be more reliable and effective if driver cards were in future incorporated into driving licences. This approach would also reduce the administrative burden for drivers who would no longer need to apply for, receive and hold two different documents. An amendment to Directive 2006/126/EC should accordingly be envisaged.</p>	<p>Recital 12</p>	<p><u>Deleted</u></p>	<p><u>Package I</u></p> <p>Council cannot accept any reference to merge the tachograph driver card and driving licence, not even in a recital.</p>

Commission proposal st13195/11	EP amendments (1st reading)	Council's position st12870/12	Comments
Recital 13			
(13) In order to reduce the administrative burden on drivers and transport undertakings, it should be clarified that there is no need for written proof of daily or weekly rest periods. For control purposes, periods for which no activity has been recorded for the driver should accordingly be considered as rest periods.		<u>Deleted</u>	<u>Package II</u> Council's position acceptable to EP.
Recital 14			
(14) Control officers face continuous challenges as a result of changes to the recording equipment and new manipulation techniques. In order to ensure more effective control, and to enhance the harmonisation of control approaches throughout the Union, a common methodology should be adopted for the initial and continuing training of control officers.		(14) Control officers face continuous challenges as a result of changes to the [...] <u>tachograph</u> and new manipulation techniques. In order to ensure more effective control, and to enhance the harmonisation of control approaches throughout the Union, a common methodology should be adopted for the initial and continuing training of control officers.	<u>Package II</u> Council's text acceptable to EP.

Commission proposal st13195/11	EP amendments (1st reading)	Council's position st12870/12	Comments
<p>(15) The recording of data by recording equipment, as well as recording of location data, remote communication and the interface with Intelligent Transport Systems will entail the processing of personal data. Union legislation concerning the protection of individuals with regard to the processing of personal data and on the free movement of such data, in particular Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data⁸ and Directive 2002/58/EC of the European Parliament and of the Council of 12 July 2002 concerning the processing of personal data and the protection of privacy in the electronic communications sector⁹ should be</p>	<p>Recital 15</p>	<p>(15) The recording of data by <u>[...] the tachograph</u>, as well as developing technologies for the recording of <u>[...] position</u> data, remote communication and the interface with Intelligent Transport Systems will entail the processing of personal data. Union legislation concerning the protection of individuals with regard to the processing of personal data and on the free movement of such data, in particular Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data¹⁰ and Directive 2002/58/EC of the European Parliament and of the Council of 12 July 2002 concerning the processing of personal data and the protection of privacy in the electronic</p>	<p>Package I</p> <p>Council's text acceptable to EP.</p> <p>[linked to Article 4]</p>

⁸ OJ L 281, 23.11.1995, p. 31–50.

⁹ OJ L 201, 31.7.2002, p. 37–47.

Commission proposal st13195/11	EP amendments (1st reading)	Council's position st12870/12	Comments
applied.		communications sector ¹¹ should be applied.	
Amendment 3 Recital 16			
<p>(16) To ensure fair competition in the internal road transport market and to give a clear message to drivers and transport undertakings, the Member States' highest category of sanctions should be imposed for 'very serious' infringements (as defined in Commission Directive 2009/5/EC of 30 January 2009 amending Annex III to Directive 2006/22/EC of the European Parliament and of the Council on minimum conditions for the implementation of Council Regulations (EEC) Nos 3820/85 and 3821/85 concerning social legislation relating to road transport activities), without prejudice to the principle of subsidiarity.</p>	<p>(16) To ensure fair competition in the internal road transport market and to give a clear message to drivers and transport undertakings, the <i>definition of very serious infringements against this Regulation should be harmonised and binding in nature and the</i> Member States' highest category of sanctions should be imposed for 'very serious' infringements (as defined in Commission Directive 2009/5/EC of 30 January 2009 amending Annex III to Directive 2006/22/EC of the European Parliament and of the Council on minimum conditions for the implementation of Council Regulations (EEC) Nos 3820/85 and 3821/85 concerning social legislation relating to road transport activities), without</p>	<p>(16) To ensure fair competition in the internal road transport market and to give a clear message to drivers and transport undertakings, [...] Member States should impose, in compliance with the categories of infringements as defined in Directive 2006/22/EC, effective, proportionate, dissuasive and non-discriminatory penalties, [...] without prejudice to the principle of subsidiarity.</p>	<p>Package II EP keeps idea but open to redrafting. Council cannot accept any harmonisation of sanctions.</p>

¹⁰ OJ L 281, 23.11.1995, p. 31–50.

¹¹ OJ L 201, 31.7.2002, p. 37–47.

Commission proposal st13195/11	EP amendments (1st reading)	Council's position st12870/12	Comments
	<p>prejudice to the principle of subsidiarity. <i>Efforts should also be taken to ensure that the penalties imposed for any infringements are always 'effective, dissuasive and proportionate'. In particular concrete steps should be taken to eliminate the practice of excessively high fines for minor infringements.</i></p>		

Commission proposal st13195/11	EP amendments (1st reading)	Council's position st12870/12	Comments
Amendment 4 Recital 16a (new)			
	<p><i>(16a) Differing rules for calculating daily driving times lead to a lack of uniformity in the application of Regulation (EC) No 561/2006 and create legal uncertainty for international drivers and transport undertakings. In the interest of a clear, effective, proportionate and uniform implementation of social security rules in road transport it is essential that the Member States' authorities apply the rules in a uniform manner.</i></p>		<p>Package II</p> <p>EP keeps its text.</p> <p><u>Presidency compromise proposal acceptable to the Council:</u> "...In the interest of a clear, effective, proportionate and uniform implementation of social security rules in road transport Member States' authorities should apply the rules in a uniform manner".</p>

Commission proposal st13195/11	EP amendments (1st reading)	Council's position st12870/12	Comments
Amendment 5 Recital 17			
<p>(17) Through the adaptations of the European agreement concerning the work of crews of vehicles engaged in international road transport, signed in Geneva on 1 July 1970, including its six amendments, deposited with the Secretary-General of the United Nations (AETR), the use of the recording equipment referred to in Annex IB has been made mandatory as regards vehicles registered in neighbouring third countries. As these countries are directly affected by changes to the recording equipment introduced by the present Regulation, they should be able to participate in dialogue on technical matters. A Tachograph Forum should accordingly be set up.</p>	<p>(17) Through the adaptations of the European agreement concerning the work of crews of vehicles engaged in international road transport, signed in Geneva on 1 July 1970, including its six amendments, deposited with the Secretary-General of the United Nations (AETR), the use of the digital tachograph has been made mandatory as regards vehicles registered in neighbouring third countries. As these countries are directly affected by changes to the recording equipment introduced by the present Regulation, they should be able to participate in dialogue on technical matters and on the establishment of a single electronic system for the exchange of information on driver cards. A Tachograph Forum should accordingly be set up. <i>(This amendment ("digital tachograph" replaces "recording equipment referred to in Annex IB") applies throughout the text.)</i></p>	<p>Through the adaptations of the European agreement concerning the work of crews of vehicles engaged in international road transport, signed in Geneva on 1 July 1970, including its six amendments, deposited with the Secretary-General of the United Nations (AETR), the use of the digital tachograph has been made mandatory as regards vehicles registered in neighbouring third countries which are signatories of the AETR Agreement. As these countries are directly affected by changes to the digital tachograph introduced by the present Regulation, they should be able to participate in dialogue on technical matters. A Tachograph Forum should accordingly be set up.</p>	<p>1st part: Package II Council's position acceptable to EP.</p> <p>2nd part: EP keeps its text.</p> <p><u>Presidency compromise proposal acceptable to the Council:</u></p> <p>"(17) Through the adaptations of the European agreement concerning the work of crews of vehicles engaged in international road transport, signed in Geneva on 1 July 1970, including its six amendments, deposited with the Secretary-General of the United Nations (AETR), the use of the digital tachograph has been made mandatory as regards vehicles registered in neighbouring third countries which are signatories of the AETR Agreement. As these countries are directly affected by changes to the digital tachograph introduced by the present Regulation, they should be able to</p>

Commission proposal st13195/11	EP amendments (1st reading)	Council's position st12870/12	Comments
			participate in dialogue on technical matters, including <u>regarding the system for the exchange of information on driver cards and workshop cards.</u> A Tachograph Forum should accordingly be set up.".

Commission proposal st13195/11	EP amendments (1st reading)	Council's position st12870/12	Comments
<p>(18) In order to reflect technical developments, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of the adaptation of Annexes I, IB and II to technical progress and the supplementing of Annex IB with the technical specifications necessary for the automatic recording of the location data, for enabling remote communication and for ensuring an interface with Intelligent Transport Systems. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level. The Commission, when preparing and drawing-up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and Council.</p>	<p>Recital 18</p> <p><u>Deleted</u></p>	<p><u>Package III</u></p> <p>Recital to be adapted at later stage following agreement on inclusion of contents of Annex IB in the Regulation and implementing acts (AM 22 to 43).</p>	

Commission proposal st13195/11	EP amendments (1st reading)	Council's position st12870/12	Comments
<p>(19) In order to ensure uniform conditions for the implementation of this Regulation concerning field tests, the electronic exchange of information on driver cards between Member States and the training of control officers, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers¹².</p>	<p>Recital 19</p>	<p>In order to ensure uniform conditions for the implementation of this Regulation [...] implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers¹³.</p>	<p>Package III</p> <p>Recital to be adapted at later stage following agreement on inclusion of contents of Annex IB in the Regulation and implementing acts (AM 22 to 43).</p>

¹² OJ L 55, 28.2.2011, p. 13–18.

¹³ OJ L 55, 28.2.2011, p. 13–18.

Commission proposal st13195/11	EP amendments (1st reading)	Council's position st12870/12	Comments
	<p>Recital 19a (new)</p>	<p><u>(19a) The Commission should adopt implementing acts for the purpose of this Regulation which correspond to the provisions in Annexes I, IB and II to Regulation 3821/85 so that they will be in place at the date of application of Articles other than 19, 30 and 43. However if for some reason these implementing acts have not been adopted in time, transitional measures should safeguard the necessary continuity.</u></p>	<p><u>Package III</u></p> <p>Recital to be adapted at later stage following agreement on inclusion of contents of Annex IB in the Regulation and implementing acts (AM 22 to 43).</p>
	<p>Recital 19b (new)</p>	<p><u>(19b) In the context of the application of the AETR Agreement, references to Regulation 3821/85 are to be understood as references to the present Regulation. In the context of the application of Article 22bis of the AETR Agreement, references to Annex IB of Regulation 3821/85 are to be understood as references to the implementing act as referred to in Article 3a. The</u></p>	<p><u>Package III</u></p> <p>Recital to be adapted at later stage following agreement on inclusion of contents of Annex IB in the Regulation and implementing acts (AM 22 to 43).</p>

Commission proposal st13195/11	EP amendments (1st reading)	Council's position st12870/12	Comments
Recital 20			
(20) The advisory procedure should be used for the adoption of the procedures to be followed for carrying out field tests and the forms to be used for monitoring such tests, as well as the methodology for the initial and continuing training of control officers.		<u>EU will consider the appropriate steps to be taken in UNECE to ensure the necessary coherence between this Regulation and Article 22bis of the AETR Agreement.</u>	
Recital 21			
(21) The examination procedure should be used for the adoption of the specific exchange of information on driver cards between Member States.		<u>Deleted</u>	<u>Package III</u> Recital to be adapted at later stage following agreement on inclusion of contents of Annex IB in the Regulation and implementing acts (AM 22 to 43).
(21) The examination procedure should be used for the adoption of the specific exchange of information on driver cards between Member States.		(21) The examination procedure should be used for <u>the adoption of the procedures to be followed for carrying out field tests and the forms to be used for monitoring such tests, as well as the methodology for the initial and continuing training of control officers and the adoption of the specifications for the electronic exchange of information on driver cards between Member States.</u>	<u>Package III</u> Recital to be adapted at later stage following agreement on inclusion of contents of Annex IB in the Regulation and implementing acts (AM 22 to 43).

Commission proposal st13195/11	EP amendments (1st reading)	Council's position st12870/12	Comments
Amendment 6 Recital 21a (new)			
	<i>(21a) The transport of passengers and goods takes place under very widely differing terms and conditions. Accordingly, a revision of the tachograph requirement and the rules on driving and rest periods for bus drivers should be submitted as soon as possible, and at any rate by the end of 2013.</i>		<u>Package II</u> EP keeps its text. Council cannot accept the EP amendment. Linked to AM 128.
Amendment 7 Recital 21b (new)			
	<i>(21b) Standards and specifications should be drawn up as open standards allowing for the incorporation into one and the same device, following examination by the Commission, of other functions such as accident recorders and 112 e-call.</i>		<u>Package I</u> EP keeps its text. Issue linked to amendment 45.

Commission proposal st13195/11	EP amendments (1st reading)	Council's position st12870/12	Comments
Amendment 8			
	Article 1 - point -1 (new) - Council Regulation (EEC) No 3821/85 - Title <i>(-1) The title is replaced by the following: "Council Regulation (EEC) No 3821/85 of 20 December 1985 on tachographs in road transport" (This amendment applies throughout the text.)</i>		Package III Question of repeal to be decided at later stage following agreement on contents of Annex IB and implementing acts (AM 22 to 43).
Article 1			
Council Regulation (EEC) No 3821/85 is amended as follows: 1) Articles 1 to 21 are replaced by the following articles:		Deleted	Package III Question of amendment to be decided at later stage following agreement on contents of Annex IB and implementing acts (AM 22 to 43).
Amendment 9			
Article 1 - Point 1 - - Council Regulation (EEC) No 3821/85 - Chapter I - Title			
Principles <i>and</i> scope	Principles, scope <i>and</i> requirements	Principles, scope <i>and</i> requirements	Package III Council text acceptable to EP.
Amendment 10			
Article 1 - Point 1 - - Council Regulation (EEC) No 3821/85 - Article 1 - Title			
Subject matter and <i>principle</i>	Subject matter and <i>principles</i>	Subject matter and principle	Package III EP text acceptable to the Council.

Commission proposal st13195/11	EP amendments (1st reading)	Council's position st12870/12	Comments
Amendment 11			
<p>Article 1 - Point 1 - - Council Regulation (EEC) No 3821/85 - Article 1 - paragraph 1</p> <p>This Regulation sets out requirements <i>for</i> the construction, installation, use and testing <i>of recording equipment</i> used in road transport to control compliance with Regulation (EC) No 561/2006, Directive 2002/15/EC and Directive 92/6/EEC.</p>	<p>Amendment 11</p> <p>1. This Regulation sets out <i>the obligations and</i> requirements <i>in relation to</i> the construction, installation, use, testing <i>and control of tachographs</i> used in road transport to control compliance with Regulation (EC) No 561/2006, Directive 2002/15/EC and Directive 92/6/EEC.</p>	<p>This Regulation sets out requirements for the construction, installation, use and testing of <u>[...] tachographs</u> used in road transport to control compliance with Regulation (EC) No 561/2006, Directive 2002/15/EC¹⁴ and Directive 92/6/EEC¹⁵.</p>	<p>Package III</p> <p>EP text acceptable to the Council.</p>
Amendment 12			
<p>Article 1 - Point 1 - Council Regulation (EEC) No 3821/85 - Article 1 - paragraph 1a (new)</p> <p><i>1a. This Regulation sets out the conditions and requirements under which the information and data recorded, processed or stored by the tachograph as referred to in Article 2 may be used for purposes other than the control of compliance with the legislation referred to in paragraph 1.</i></p>	<p><i>1a. This Regulation sets out the conditions and requirements under which the information and data recorded, processed or stored by the tachograph as referred to in Article 2 may be used for purposes other than the control of compliance with the legislation referred to in paragraph 1.</i></p>	<p>Package II</p> <p>EP text based on EDPS opinion.</p> <p><u>Presidency compromise proposal:</u> <u>"1a. This Regulation sets out the conditions and requirements under which the information and data recorded other than personal data, processed or stored by the tachograph as referred to in Article 2 may be used for purposes other than</u></p>	<p>Package II</p> <p>EP text based on EDPS opinion.</p> <p><u>Presidency compromise proposal:</u> <u>"1a. This Regulation sets out the conditions and requirements under which the information and data recorded other than personal data, processed or stored by the tachograph as referred to in Article 2 may be used for purposes other than</u></p>

¹⁴ OJ L 80, 23.3.2002, p. 35-39.

¹⁵ OJ L 57, 2.3.1992, p. 27.

Commission proposal st13195/11	EP amendments (1st reading)	Council's position st12870/12	Comments
Article 1 - Point 1 - Article 1 - paragraph 2			
Recording equipment shall, as regards construction, installation, use and testing, comply with the requirements of this Regulation.		<u>[...]</u> Tachographs shall, as regards construction, installation, use and testing, comply with the requirements of this Regulation.	Package III Council's text acceptable to EP.
Amendment 13+147+148			
Article 1 - Point 1 - Council Regulation (EEC) No 3821/85 - Article 2 - paragraph 2 - point a			
(a) 'recording equipment' means the equipment intended for installation in road vehicles to display, record, print, store and output automatically or semi-automatically details of the movement of such vehicles and of certain work periods of their drivers;	(a) 'tachograph' means the equipment intended for installation in road vehicles to display, record, print, store and output automatically or semi-automatically details of the movement, speed and weight of such vehicles in relation to the different periods of time being part of the driver's daily working period, and of data referred to in Article 30 of this Regulation;	(a) 'tachograph or recording equipment' means the equipment intended for installation in road vehicles to display, record, print, store and output automatically or semi-automatically details of the movement of such vehicles and of certain periods of activity of their drivers;	Package I <u>Presidency compromise proposal acceptable to EP:</u> "(a) 'tachograph' means the equipment intended for installation in road vehicles to display, record, print, store and output automatically or semi-automatically details of the movement, including speed of such vehicles, in accordance with Article 3a(3) and of certain periods of activity of their drivers";
For the weight sensors see the Presidency compromise proposal			

Commission proposal st13195/11	EP amendments (1st reading)	Council's position st12870/12	Comments
Amendment 14			
<p>Article 1 - Point 1 - Council Regulation (EEC) No 3821/85 - Article 2 - paragraph 2 - point b</p> <p>(b) 'vehicle unit' means the recording equipment excluding the motion sensor and the cables connecting the motion sensor. The vehicle unit may be a single unit or several units distributed in the vehicle, provided that it complies with the security requirements of this Regulation;</p>	<p>(b) 'vehicle unit' means the tachograph excluding the motion sensor and the cables connecting the motion sensor. The vehicle unit may be a single unit or several units distributed in the vehicle, provided that it complies with the security requirements of this Regulation. The vehicle unit includes a processing unit, a data memory, a real time clock, two smart card interface devices (driver and co-driver), a printer, a display, a visual warning, a calibration/downloading connector, and facilities for entry of user's inputs;</p>	<p>(b) 'vehicle unit' means the [...] tachograph excluding the motion sensor and the cables connecting the motion sensor. The vehicle unit may be a single unit or several units distributed in the vehicle, provided that it complies with the security requirements of this Regulation;</p>	<p>Package III</p> <p>EP text too detailed and it does not allow for future development of the tachograph or ensure technological flexibility.</p>
<p>(c) 'motion sensor' means part of the recording equipment, providing a signal representative of vehicle speed and/or distance travelled;</p>	<p>Article 2 - paragraph 2 - point c</p> <p>(c) 'motion sensor' means part of the [...] tachograph, providing a signal representative of vehicle speed and/or distance travelled;</p>	<p>(c) 'motion sensor' means part of the [...] tachograph, providing a signal representative of vehicle speed and/or distance travelled;</p>	<p>Package III</p> <p>Council text acceptable to EP.</p>

Commission proposal st13195/11	EP amendments (1st reading)	Council's position st12870/12	Comments
Article 1 - Point 1 - Council Regulation (EEC) No 3821/85	Amendment 149 Article 1 - Point 1 - Council Regulation (EEC) No 3821/85 - Article 2 - paragraph 2 - point ca (new) <i>(ca) 'weight sensor' means a part of the digital tachograph that provides information on the weight of the vehicle, therefore recording data on loading and unloading of the vehicle;</i>	Package I Weight sensors	Presidency proposes to reject this amendment and to refer to weight sensors in a recital. See the Presidency's compromise proposal for AM 63+150.
Article 1 - Point 1 - Council Regulation (EEC) No 3821/85	Amendment 15 Article 1 - Point 1 - Council Regulation (EEC) No 3821/85 - Article 2 - paragraph 2 - point d (d) 'tachograph card' means a smart card intended for use with the tachograph which allows identification by the cardholder, its access rights to data and data transfer and storage;	(d) 'tachograph card' means a smart card intended for use with the [...] tachograph which allows identification by the [...] tachograph of the role of the cardholder and data transfer and storage;	Package I EP text acceptable to the Council.

Commission proposal st13195/11	EP amendments (1st reading)	Council's position st12870/12	Comments
Amendment 16			
Article 1 - Point 1 - Council Regulation (EEC) No 3821/85 - Article 2 - paragraph 2 - point e (e) 'record sheet' means a sheet designed to accept and retain recorded data, to be placed in the <i>recording equipment referred to in Annex I</i> and on which the marking devices of the latter inscribe a continuous record of the information to be recorded;	(e) 'record sheet' means a sheet designed to accept and retain recorded data, to be placed in the <i>analogue tachograph</i> and on which the marking devices of the latter inscribe a continuous record of the information to be recorded; <i>(This amendment applies throughout the text.)</i>	(e) 'record sheet' means a sheet designed to accept and retain recorded data, to be placed in the [...] <u>analogue tachograph</u> and on which the marking devices of the latter inscribe a continuous record of the information to be recorded;	Package I Council's text acceptable to EP.
Amendment 17			
Article 1 - Point 1 - Council Regulation (EEC) No 3821/85 - Article 2 - paragraph 2 - point fa (new)	(fa) ' <i>analogue tachograph</i> ' means a <i>tachograph using a record sheet in accordance with this Regulation;</i>	(fa) ' <u>analogue tachograph</u> ' means a <u>tachograph using a record sheet in accordance with this Regulation;</u>	Package I Council's text acceptable to EP.
Amendment 18			
Article 1 - Point 1 - Council Regulation (EEC) No 3821/85 - Article 2 - paragraph 2 - point fb (new)	(fb) ' <i>digital tachograph</i> ' means a <i>tachograph using a tachograph card in accordance with this Regulation;</i>	(fb) ' <u>digital tachograph</u> ' means a <u>tachograph using a tachograph card in accordance with this Regulation;</u>	Package I Council's text acceptable to EP.

Commission proposal st13195/11	EP amendments (1st reading)	Council's position st12870/12	Comments
Amendment 19 Article 1 - Point 1 - Council Regulation (EEC) No 3821/85 - Article 2 - paragraph 2 - point g			
<p>(g) 'control card' means a tachograph card issued by the authorities of a Member State to a national competent control authority which identifies the control body and optionally the control officer and allows access to the data stored in the data memory or in the driver cards for reading, printing and/or downloading;</p>	<p>(g) 'control card' means a tachograph card issued by the authorities of a Member State to a national competent control authority which identifies the control body and the control officer and allows access to the data stored in the data memory, in the driver cards and in the workshop cards for reading, printing and/or downloading;</p>	<p>(g) 'control card' means a tachograph card issued by the authorities of a Member State to a national competent control authority which identifies the control body and optionally the control officer and allows access to the data stored in the data memory or in the driver cards for reading, printing and/or downloading;</p>	<p>Package II Workshops</p> <p><u>Presidency compromise proposal:</u> “ ‘control card’ means a tachograph card issued by the authorities of a Member State to a national competent control authority which identifies the control body and optionally the control officer and allows access to the data stored in the data memory, in the driver cards and optionally in the workshop cards for reading, printing and/or downloading;” .</p>

Commission proposal st13195/11	EP amendments (1st reading)	Council's position st12870/12	Comments
<p>(a) (h) 'company card' means a tachograph card issued by the authorities of a Member State to the owner or holder of vehicles fitted with recording equipment which identifies the owner or holder and allows for the displaying, downloading and printing of the data stored in the recording equipment which has been locked by that owner or holder;</p>	<p>Article 2 - paragraph 2 - point h</p> <p>(h) 'company card' means a tachograph card issued by the authorities of a Member State to the <u>[...] road transport undertaking which needs to operate vehicles fitted with tachograph</u> which identifies <u>the road transport undertaking</u> and allows for the displaying, downloading and printing of the data stored in the <u>[...]</u> <u>tachograph</u> which has been locked by that <u>[...] road transport undertaking;</u></p>	<p>Package I</p> <p><u>Presidency compromise proposal acceptable to EP:</u></p> <p>" (h) 'company card' means a tachograph card issued by the authorities of a Member State to [...] a transport undertaking, which needs to operate vehicles fitted with tachograph which identifies the [...] transport undertaking and allows for the displaying, downloading and printing of the data stored in the <u>[...] tachograph</u> which has been locked by that [...] transport undertaking;"</p>	

Commission proposal st13195/11	EP amendments (1st reading)	Council's position st12870/12	Comments
Amendment 20			
<p>Article 1 - Point 1 - Council Regulation (EEC) No 3821/85 - Article 2 - paragraph 2 - point i</p> <p>(b) (i) 'workshop card' means a tachograph card issued by the authorities of a Member State to a recording equipment manufacturer, a fitter, a vehicle manufacturer or a workshop approved by that Member State which identifies the cardholder and allows for the testing, calibration and/or downloading of the recording equipment;</p>	<p>(i) 'workshop card' means a tachograph card issued by the authorities of a Member State to designated staff of a tachograph manufacturer, a fitter, a vehicle manufacturer or a workshop approved by that Member State which identifies the cardholder and allows for the testing, calibration and/or downloading of tachographs;</p>	<p>(i) 'workshop card' means a tachograph card issued by the authorities of a Member State to designated staff of a tachograph manufacturer, a fitter, a vehicle manufacturer or a workshop approved by that Member State which identifies the cardholder and allows for the testing, calibration and/or downloading of ... tachographs;</p>	<p>Package II</p> <p>Council's text acceptable to EP.</p>
Amendment 21			
<p>Article 1 - Point 1 - Council Regulation (EEC) No 3821/85 - Article 2 - paragraph 2 - point j</p> <p>(j) 'daily work period' means the period comprising the driving time, all other periods of work, the periods of availability, breaks in work and periods of rest not exceeding nine hours.</p>	<p>(j) 'daily working period' means the period which commences at the time when the driver activates the tachograph following a weekly or daily rest period, or, if the daily rest period is divided into separate periods, following a rest period of at least nine hours' duration. It ends at the beginning of a daily rest period or, if the daily rest is divided into separate rest periods, at the beginning of a rest period extending over a minimum of</p>	<p>Deleted</p>	<p>Package I</p> <p>Issue to be discussed at a later stage. Council included this concept in recital 5a (new)</p>

Commission proposal st13195/11	EP amendments (1st reading)	Council's position st12870/12	Comments
	<i>nine consecutive hours.</i>		
Amendment 22			
Article 1 - Point 1 - Council Regulation (EEC) No 3821/85 - Article 2 - paragraph 2 - point ja (new)	<i>(ja) 'activation' means the phase where the tachograph becomes fully operational and implements all functions, including security functions; activating a tachograph requires the use of a workshop card;</i>	Package III	Presidency compromise proposal: <u>"(ja) 'activation' means the phase where the tachograph becomes fully operational and implements all functions, including security functions; activating a tachograph requires the use of a workshop card;"</u> .
Amendment 23			
Article 1 - Point 1 - Council Regulation (EEC) No 3821/85 - Article 2 - paragraph 2 - point jb (new)	<i>(jb) 'authentication' means a function intended to establish and verify a claimed identity;</i>	Package III	Presidency suggests deleting this definition.
Amendment 24			
Article 1 - Point 1 - Council Regulation (EEC) No 3821/85 - Article 2 - paragraph 2 - point jc (new)	<i>(jc) 'authenticity' means the property that an information is coming from a party whose identity can be verified;</i>	Package III	Presidency suggests deleting this definition.

Commission proposal st13195/11	EP amendments (1st reading)	Council's position st12870/12	Comments
Article 1 - Point 1 - Council Regulation (EEC) No 3821/85	<p>Amendment 25</p> <p>Article 1 - Point 1 - Council Regulation (EEC) No 3821/85 - Article 2 - paragraph 2 - point jd (new)</p> <p><i>(jd) 'calibration' means updating or confirming vehicle parameters to be held in the data memory. Vehicle parameters include vehicle identification and vehicle characteristics. Calibrating a tachograph requires the use of a workshop card;</i></p>	<p>Package III</p> <p><u>Presidency compromise proposal:</u> <u>" - calibration' of the digital tachograph means updating or confirming vehicle parameters to be held in the data memory.</u> <u>Vehicle parameters include vehicle identification and vehicle characteristics;" .</u></p>	
Article 1 - Point 1 - Council Regulation (EEC) No 3821/85	<p>Amendment 26</p> <p>Article 1 - Point 1 - Council Regulation (EEC) No 3821/85 - Article 2 - paragraph 2 - point je (new)</p> <p><i>(je) 'downloading' means copying, together with the digital signature, of a part, or of a complete set of data files stored in the data memory of the vehicle or in the memory of the tachograph card, for which these data are necessary to establish compliance with the provisions set out in Regulation (EC) No 561/2006;</i></p>	<p>Package III</p> <p><u>Presidency compromise proposal:</u> <u>" - "downloading' from a digital tachograph means copying, together with the digital signature, of a part, or of a complete set of data files recorded in the data memory of the vehicle unit or in the memory of a tachograph card;" .</u></p>	

Commission proposal st13195/11	EP amendments (1st reading)	Council's position st12870/12	Comments
Article 1 - Point 1 - Council Regulation (EEC) No 3821/85 - Article 2 - paragraph 2 - point jf (new)	Amendment 27 <i>(jf) 'event' means an operation detected by the tachograph which may come from a fraud attempt;</i>	Package III	Presidency compromise proposal: <u>"(jf) 'event' means an operation detected by the digital tachograph which may come from a fraud attempt;"</u>
Article 1 - Point 1 - Council Regulation (EEC) No 3821/85 - Article 2 - paragraph 2 - point jg (new)	Amendment 28 <i>(jg) 'fault' means an abnormal operation detected by the tachograph which may come from an equipment malfunction or failure;</i>	Package III	Presidency compromise proposal: <u>"(jg) 'fault' means an abnormal operation detected by the digital tachograph which may come from an equipment malfunction or failure;"</u>
Article 1 - Point 1 - Council Regulation (EEC) No 3821/85 - Article 2 - paragraph 2 - point jh (new)	Amendment 29 <i>(jh) 'installation' means mounting of the tachograph in a vehicle;</i>	Package III	Presidency compromise proposal: <u>"(jh) 'installation' means mounting of the tachograph in a vehicle;"</u> .

Commission proposal st13195/11	EP amendments (1st reading)	Council's position st12870/12	Comments
Article 1 - Point 1 - Council Regulation (EEC) No 3821/85 - Article 2 - paragraph 2 - point ji (new)	Amendment 30 <i>(ji) 'non valid card' means a card detected as faulty, or which initial authentication failed, or which start of validity date is not yet reached, or which expiry date has passed;</i>	<u>Package III</u>	Presidency suggests deleting this definition.
Article 1 - Point 1 - Council Regulation (EEC) No 3821/85 - Article 2 - paragraph 2 - point jj (new)	Amendment 31 <i>(jj) 'periodic inspection' means a set of operations performed to control that the tachograph works properly and that its settings correspond to the vehicle parameters;</i>	<u>Package III</u>	Presidency suggests deleting this definition.
Article 1 - Point 1 - Council Regulation (EEC) No 3821/85 - Article 2 - paragraph 2 - point jk (new)	Amendment 32 <i>(jk) 'printer' means a component of the tachograph which provides printouts of stored data;</i>	<u>Package III</u>	Presidency suggests deleting this definition.

Commission proposal st13195/11	EP amendments (1st reading)	Council's position st12870/12	Comments
Article 1 - Point 1 - Council Regulation (EEC) No 3821/85 - Article 2 - paragraph 2 - point jI (new)	<p style="text-align: center;">Amendment 33</p> <p><i>(fI) 'repair' means any repair of a motion sensor or of a vehicle unit that requires disconnection of its power supply, or disconnection from other tachograph components, or opening of it;</i></p>	<p style="text-align: center;">Amendment 33</p> <p>Package III</p>	<p>Presidency suggests deleting this definition.</p>
Article 1 - Point 1 - Council Regulation (EEC) No 3821/85 - Article 2 - paragraph 2 - point jI (new)	<p style="text-align: center;">Amendment 34</p> <p><i>(fII) 'type approval' means a process to certify, by a Member State, that the tachograph (or component), software or the tachograph card under investigation fulfils the requirements of this Regulation;</i></p>	<p style="text-align: center;">Amendment 34</p> <p>Package III</p>	<p>Presidency compromise proposal: <u>" - 'type approval' means a process to certify, by a Member State, that the tachograph, its relevant components or the tachograph card to be introduced to market fulfil the requirements of this regulation;"</u></p>

Commission proposal st13195/11	EP amendments (1st reading)	Council's position st12870/12	Comments
Article 1 - Point 1 - Council Regulation (EEC) No 3821/85 - Article 2 - paragraph 2 - point jn (new)	Amendment 35 <i>(jn) 'vehicle identification' means the numbers identifying the vehicle: vehicle registration number (VRN) with indication of the registering Member State and vehicle identification number (VIN);</i>	Package III	Presidency suggests deleting this definition.
Article 1 - Point 1 - Council Regulation (EEC) No 3821/85 - Article 2 - paragraph 2 - point jo (new)	Amendment 36 <i>(jo) 'interoperability' means the capacity of systems and the underlying business processes to exchange data and to share information and knowledge;</i>	Package III	Presidency compromise proposal: <u>"- 'interoperability' means the capacity of systems and the underlying business processes to exchange data and to share information".</u>
Article 1 - Point 1 - Council Regulation (EEC) No 3821/85 - Article 2 - paragraph 2 - point jp (new)	Amendment 37 <i>(jp) 'interface' means a facility between systems which provides the media through which they can connect and interact.</i>	Package III	Presidency compromise proposal: <u>"(jp) 'interface' means a facility between systems which provides the media through which they can connect and interact."</u>

Commission proposal st13195/11	EP amendments (1st reading)	Council's position st12870/12	Comments
Article 3 - paragraph 1			
1. Recording equipment shall be installed and used in vehicles registered in a Member State which are used for the carriage of passengers or goods by road falling within the scope of Regulation (EC) No 561/2006.		1. [...] Tachographs shall be installed and used in vehicles registered in a Member State which are used for the carriage of passengers or goods by road to which Regulation (EC) No 561/2006 applies.	Package IV Council's text acceptable to EP.
Article 3 - paragraph 3 - first subparagraph			
3. Member States may, after authorisation by the Commission, exempt from the application of this Regulation vehicles used for the transport operations referred to in Article 14(1) of Regulation (EC) No 561/2006.		3. Member States may [...] exempt from the application of this Regulation vehicles used for the transport operations which have been granted an exception referred to in Article 14(1) of Regulation (EC) No 561/2006.	Package IV Council's text acceptable to EP.

Commission proposal st13195/11	EP amendments (1st reading)	Council's position st12870/12	Comments
Article 1 - Point 1 - Council Regulation (EEC) No 3821/85 - Article 3 - paragraph 3a (new)	<p>Amendment 38</p> <p><i>(3a) By 2020 all vehicles which are not exempted from the application of this Regulation in accordance with paragraphs 2 and 3 shall be fitted with a smart tachograph within the meaning of this Regulation.</i></p>		<p><u>Package I</u> <u>Retrofitting</u></p> <p>Revised Presidency compromise proposal to offer the <u>European Parliament two options on retrofitting:</u></p> <p><u>"(3a) 15 years after newly registered vehicles are required to have a tachograph as per Articles 4, 5 and 6 of this Regulation, vehicles operating in a Member State other than their Member State of registration shall be fitted with such a tachograph."</u></p> <p>OR</p> <p><u>"(3a) 10 years after newly registered vehicles are required to have a tachograph as per Articles 4, 5 and 6 of this regulation, vehicles operating in a Member State other than their Member State of registration shall be fitted with such a tachograph. This</u></p>

Commission proposal st13195/11	EP amendments (1st reading)	Council's position st12870/12	Comments
			<u>requirement shall not apply to vehicles operating within 200km of their Member State of registration.'</u>
Article 3 - paragraph 4			
4. In the case of national transport operations, Member States may require the installation and use of recording equipment in accordance with this Regulation in any of the vehicles for which its installation and use are not required by paragraph 1.		4. In the case of national transport operations, Member States may require the installation and use of <u>[...] tachographs</u> in accordance with this Regulation in any of the vehicles for which its installation and use are not required by paragraph 1.	<u>Package IV</u> Council's text acceptable to EP.

Commission proposal st13195/11	EP amendments (1st reading)	Council's position st12870/12	Comments
Amendment 39 Article 1 - Point 1 - Council Regulation (EEC) No 3821/85 - Article 3a (new)			
	<i>Article 3a</i> Essential requirements	<i>Article 3a</i> Requirements	<i>Article 3a</i> Essential Requirements and Data to be Recorded
	<p><i>1. Tachographs, tachograph cards and record sheets shall be subject to stringent technical, functional and other requirements so as to ensure that they fulfil the essential requirements set out in paragraph 2 and that they achieve the objectives of this Regulation.</i></p>	<p><u>1. Recording equipment, tachograph cards and record sheets must fulfill stringent technical and other requirements so as to permit the proper implementation of the provisions of this Regulation.</u></p>	<p><u>Package III</u></p> <p><u>Presidency compromise proposal:</u> <u>" 1. Recording equipment, tachograph cards and record sheets must fulfill stringent technical and other requirements so as to permit the proper implementation of the provisions of this Regulation.</u> <u>1. Tachographs, including external components, tachograph cards and record sheets must fulfill stringent requirements so as to permit the proper implementation of the provisions of this Regulation."</u></p>
	<p><i>2. To allow for compliance with the applicable social legislation to be efficiently controlled the tachograph shall comply with the following essential requirements. It shall to this effect:</i></p>	<p><u>2. The tachograph shall comply with the following essential requirements:</u></p>	<p>Presidency proposes to keep Council text.</p>

Commission proposal st13195/11	EP amendments (1st reading)	Council's position st12870/12	Comments
	<i>(a) record accurate and reliable data related to the driver activity and the vehicle;</i>	<u>- record data related to the driver and the vehicle;</u>	
	<i>(b) be secure, in order to guarantee the integrity and the origin of the source of data recorded by and retrieved from vehicle units, motion sensors and tachograph cards;</i>	<u>- be secure;</u>	
	<i>(c) be interoperable;</i>	<u>- be interoperable;</u>	
	<i>(d) be user friendly.</i>	<u>- allow for efficient control of compliance with the applicable legislation;</u>	
		<u>- be user friendly.</u>	
	3. Tachographs shall be designed and used in such a way as to ensure privacy and the protection of personal data.	<u>3. The digital tachograph shall record the following data:</u>	
		<u>(a) distance travelled, and speed of the vehicle;</u>	
		<u>(b) time measurement;</u>	
		<u>(c) position of starting and ending of the driver's daily working period;</u>	
		<u>(d) identity of the driver;</u>	
		<u>(e) activity of the driver;</u>	
		<u>(f) calibration data, including the identity of the workshop;</u>	
		<u>(g) events and faults.</u>	

Commission proposal st13195/11	EP amendments (1st reading)	Council's position st12870/12	Comments
	<p><i>4. Tachographs shall be positioned in the vehicle in such a way that they are fully reachable and readable from the driver's normal sitting position, allow the driver whilst driving to access and operate safely the necessary functions from his seated position and do not divert the driver's attention from the road.</i></p>	<p><u>4. The analogue tachograph shall record at least the data referred to in paragraph 3 (a), (b) and (e).</u></p>	<p>Presidency proposes to keep Council text. Regarding position of the tachograph in the vehicle see compromise text under 'Display and Warnings' AM 42 Article 3d.</p>
	<p><i>5. Downloading of data shall be performed with the minimum delay to transport undertakings or drivers.</i></p>	<p><u>5. The further detailed requirements necessary for the uniform implementation of this Article shall be adopted by the Commission. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 40(3).</u></p>	<p>Presidency compromise proposal covering <u>EP para 5 & 6</u> and <u>Council para 5</u>:</p> <p><u>"5. Access to the data stored in the tachograph and the tachograph card may be granted at all times to:</u></p> <p>a) <u>the competent control authorities for control checks</u></p> <p>b) <u>the relevant transport undertaking so that it can comply with its legal obligations, in particular as set out in Articles 28 and 29.</u></p>
	<p><i>6. Downloading of data may not result in data being altered or deleted. The downloading of the detailed speed file may not be necessary to ensure compliance with Regulation (EC) No 561/2006, but may nonetheless be performed and used for other</i></p>		<p><u>6. Downloading of data shall be performed with the minimum</u></p>

Commission proposal st13195/11	EP amendments (1st reading)	Council's position st12870/12	Comments
	<i>purposes, such as accident investigation.</i>		<u>delay to transport undertakings or drivers. It may not result in data being altered or deleted.</u> ”.
			<u>7. Detailed provisions</u> necessary for the uniform implementation of this Article shall be adopted by the Commission. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 40(3).’
Amendment 40			
Article 1 - Point 1 - Council Regulation (EEC) No 3821/85 - Article 3b (new)			
	<i>Article 3b Functions of the tachograph</i>		<u>Package III</u> <u>Article 3b</u> <u>Functions of the digital tachograph</u>
	<i>The tachograph shall ensure the following functions:</i>		Presidency compromise proposal: <u>” The digital tachograph shall ensure the following functions:</u> <u>- speed and distance measurement;</u> <u>- monitoring driver activities and driving status;</u> <u>- recording of drivers manual entries;</u> <u>- calibration;</u> <u>- recording of places where daily working period begins and</u>

Commission proposal st13195/11	EP amendments (1st reading)	Council's position st12870/12	Comments
			<p>where it ends, automatically;</p> <p><u>- monitoring control activities;</u></p> <p><u>- detection and recording of events and faults;</u></p> <p><u>- reading from data memory and recording and storing in data memory;</u></p> <p><u>- reading from tachograph cards, recording and storing in tachograph cards;</u></p> <p><u>- displaying, printing and downloading data to external devices;</u></p> <p><u>- time adjustment;"</u></p>
	<i>(1) monitoring cards, insertions and withdrawals,</i>		
	<i>(2) speed and distance measurement,</i>		
	<i>(3) time measurement,</i>		
	<i>(4) monitoring driver activities,</i>		
	<i>(5) monitoring driving status,</i>		
	<i>(6) drivers manual entries,</i>		
	<i>(7) entry of places where daily work periods begin and/or end,</i>		
	<i>(8) manual entry of driver activities,</i>		
	<i>(9) entry of specific conditions,</i>		

Commission proposal st13195/11	EP amendments (1st reading)	Council's position st12870/12	Comments
	<i>(10) company locks management,</i>		
	<i>(11) monitoring control activities,</i>		
	<i>(12) detection of events and/or faults,</i>		
	<i>(13) built-in and self tests,</i>		
	<i>(14) reading from data memory,</i>		
	<i>(15) recording and storing in data memory,</i>		
	<i>(16) reading from tachograph cards,</i>		
	<i>(17) recording and storing in tachograph cards,</i>		
	<i>(18) displaying,</i>		
	<i>(19) printing,</i>		
	<i>(20) warning,</i>		
	<i>(21) data downloading to external media,</i>		
	<i>(22) output data to additional external devices,</i>		
	<i>(23) calibration,</i>		
	<i>(24) time adjustment,</i>		
	<i>(25) indication of remaining driving time,</i>		
	<i>(26) indication of rest time taken.</i>		

Commission proposal st13195/11	EP amendments (1st reading)	Council's position st12870/12	Comments
Amendment 41			
Article 1 - Point 1 - Council Regulation (EEC) No 3821/85 - Article 3c (new)			
	Article 3c <i>Data to be recorded</i>		Package III
	<i>1. The digital tachograph shall record the following data:</i>		Now covered in Article 3a Essential Requirements and Data to be recorded.
	<i>(a) distance travelled, and speed of the vehicle;</i>		
	<i>(b) time measurement;</i>		
	<i>(c) position of starting and ending of the driver's daily working period and of each transport operation;</i>		
	<i>(d) identity of the driver;</i>		
	<i>(e) activity of the driver;</i>		
	<i>(f) calibration data, including the identity of the workshop;</i>		
	<i>(g) events and faults.</i>		
	<i>2. The analogue tachograph shall record at least the data referred to in paragraph 3 (a), (b) and (e).</i>		
	<i>3. Access to the data stored in the tachograph may be granted at all times to:</i>		Now covered in Article 3a Essential Requirements and Data to be recorded.
	<i>(a) the competent control authorities for control checks, and,</i>		

Commission proposal st13195/11	EP amendments (1st reading)	Council's position st12870/12	Comments
	<p><i>(b) the relevant transport undertaking so that it can comply with its legal obligations, in particular as set out in Articles 28 and 29.</i></p> <p><i>Access to data containing personal data shall only be granted after the appropriate authorisation in accordance with data protection legislation has been granted.</i></p>		
Amendment 42			
Article 1 - Point 1 - Council Regulation (EEC) No 3821/85 - Article 3d (new)			
	<p><i>Article 3d</i></p> <p><i>Display</i></p>		<p><u>Package III</u></p> <p><u>Article 3d</u></p> <p><u>Display and warning</u></p> <p><u>Presidency compromise proposal:</u></p>
	<p><i>1. The tachograph shall be able to display:</i></p>		<p><u>"The information contained in the digital tachograph and the tachograph card related to vehicle activities and to driver and co-driver shall be displayed in a clear, unambiguous and ergonomic way. The digital tachograph shall warn visually the driver when detecting any event and/or fault and before and at the time of exceeding the</u></p>

Commission proposal st13195/11	EP amendments (1st reading)	Council's position st12870/12	Comments
			<u>maximum allowed continuous driving time.</u> <u>Detailed specifications related to display and warning shall be adopted by the Commission.</u> <u>Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 40(3)."</u>
	<i>(a) default data,</i>		
	<i>(b) data related to warnings,</i>		
	<i>(c) data related to menu access,</i>		
	<i>(d) other data requested by the user in accordance with paragraph 1 of Article 3c,</i>		
	<i>(e) information related to the driver:</i>		
	<i>- if his current activity is DRIVING, his current continuous driving time and his current cumulative break time,</i>		
	<i>- if his current activity is NOT DRIVING, the current duration of this activity (since it was selected) and his current cumulative break time.</i>		
	<i>2. Additional information may be displayed by the tachograph, provided that it is clearly distinguishable from the</i>		

Commission proposal st13195/11	EP amendments (1st reading)	Council's position st12870/12	Comments
	<p><i>information required above.</i></p> <p>3. When no other information needs to be displayed, the tachograph shall display, by default, the following:</p> <ul style="list-style-type: none"> - time, - mode of operation, - current activity of the driver and the current activity of the co-driver. <p><i>Display of data related to each driver shall be clear, plain and unambiguous. In the event that the information related to the driver and the co-driver cannot be displayed at the same time, the tachograph shall display by default the information related to the driver and shall allow the user to display the information related to the co-driver.</i></p> <p>4. The tachograph shall display warning information in accordance with Article 3d. A literal description of the warning may also be added in the driver's preferred language.</p>		

Commission proposal st13195/11	EP amendments (1st reading)	Council's position st12870/12	Comments
Amendment 43 Article 1 - Point 1 - Council Regulation (EEC) No 3821/85 - Article 3e (new)			
	<i>Article 3e Warnings</i>	Package III	Please see Presidency compromise proposal text for AM 42.
	<p><i>1. The tachograph shall warn the driver when detecting any event and/or fault. The tachograph shall warn the driver 15 minutes before and at the time of exceeding the maximum allowed continuous driving time.</i></p> <p><i>2. Warnings shall be visual. Visual warnings shall be clearly recognisable by the user, shall be displayed in the driver's field of vision and shall be clearly legible both by day and by night. Audible warnings may also be provided in addition to visual warnings.</i></p>		
	<p><i>3. Warnings shall have a duration of at least 30 seconds, unless acknowledged by the user by pushing any key of the tachograph.</i></p>		

Commission proposal st13195/11	EP amendments (1st reading)	Council's position st12870/12	Comments
	<p><i>4. The warning cause shall be displayed on the tachograph and remain visible until acknowledged by the user using a specific key or command of the tachograph. Additional warnings may be provided, as long as they do not confuse drivers in relation to previously defined ones.</i></p>		
Amendment 44			
Article 1 - Point 1 - Council Regulation (EEC) No 3821/85 - Article 3f (new)			
	<p style="text-align: center;"><i>Article 3f</i></p> <p><i>Data protection and privacy</i></p> <p><i>1. The processing of personal data in the context of this Regulation shall be carried out in accordance with Directive 95/46/EC and Directive 2002/58/EC and under the supervision of the public independent authority of the relevant Member State referred to in Article 28 of Directive 95/46/EC.</i></p>		<p><u>Package I</u></p> <p>Presidency suggests to move data protection article to Chapter I – Principles, Scope and Requirements.</p> <p>If it is agreed to connect new functionality to the tachograph such as location recording and remote communication from the tachograph, then a key principle should be the protection of any personal data associated with the use of that new functionality.</p>

Commission proposal st13195/11	EP amendments (1st reading)	Council's position st12870/12	Comments
			<p><u>Presidency compromise proposal:</u></p> <p><u>'1. Member States shall ensure that the processing of personal data in the context of this Regulation is carried out solely for the purpose of verifying compliance with this Regulation and Regulation 561/2006, in accordance with Directives 95/46/EC and 2002/58/EC and under the supervision of the public independent authority of the Member State referred to in Article 28 of Directive 95/46/EC.</u></p> <p><u>2. Member States shall in particular ensure that personal data is protected against uses other than those strictly linked to the control of this Regulation and Regulation 561/2006 in accordance with paragraph 1 in relation to:</u></p> <ul style="list-style-type: none"> <u>- the use of a global navigation satellite system (GNSS) for the recording of location data as referred to in Article 4,</u> <u>- the use of remote communication for control purposes as referred to in</u>

Commission proposal st13195/11	EP amendments (1st reading)	Council's position st12870/12	Comments
			<p><u>Article 5.</u> <u>- the use of [...] tachograph with a harmonised interface as referred to in Article 6.</u> <u>- the electronic exchange of information on driver cards as referred to in Article 26, and in particular any cross-border exchanges of such data with third countries,</u> <u>- the keeping of records by transport undertakings as referred to Article 29.</u> <u>3. The digital tachograph shall be designed in such a way as to ensure privacy. Only data necessary for the purpose of the processing shall be processed.</u> <u>4. The owners of vehicles, transport undertakings and/or any other entity concerned shall comply, where applicable, with the relevant provisions on the protection of personal data.</u></p>
	<p><i>2. Only data strictly necessary for the purpose of the processing shall be processed.</i></p>		<p>Covered in point 3 of Presidency compromise proposal above</p>

Commission proposal st13195/11	EP amendments (1st reading)	Council's position st12870/12	Comments
	<p>3. <i>The specifications referred to in this Regulation shall ensure the confidentiality of the personal data recorded, processed and stored by the tachograph, data integrity and prevent fraud and unlawful manipulation of this data.</i></p>		Covered in point 3 of Presidency compromise proposal above
	<p><i>Appropriate security measures shall be adopted to guarantee that personal data is protected in particular in relation to:</i></p>		Covered in point 2 of Presidency compromise proposal above
	<p><i>- the use of a global navigation satellite system (GNSS) for the recording of location data as referred to in Article 4,</i></p>		Covered in point 2 of Presidency compromise proposal above
	<p><i>- the use of remote communication for control purposes as referred to in Article 5,</i></p>		Covered in point 2 of Presidency compromise proposal above
	<p><i>- the use of tachographs with a harmonised interface as referred to in Article 6,</i></p>		Covered in point 2 of Presidency compromise proposal above
	<p><i>- the electronic exchange of information on driver cards as referred to in Article 26,</i></p>		Covered in point 2 of Presidency compromise proposal above
	<p><i>- the keeping of records by transport undertakings as referred to in Article 29.</i></p>		Covered in point 2 of Presidency compromise proposal above

Commission proposal st13195/11	EP amendments (1st reading)	Council's position st12870/12	Comments
	<p><i>4. The owners of vehicles and/or transport undertakings shall comply with the relevant provisions on the protection of personal data.</i></p>		Covered in point 4 of Presidency compromise proposal above
	<p><i>5. In order to promote good data protection practices, the European Data Protection Supervisor and the Article 29 Working Party of Data Protection Authorities shall be part of the Tachograph Forum foreseen in Article 41 of this Regulation.</i></p>		See Presidency compromise proposal for Article 41 paragraph 4 on "Tachograph forum".
	<p><i>6. Any cross-border exchanges of data with third country authorities in the context of the application of this Regulation shall require the existence of appropriate data protection safeguards to ensure that an adequate level of protection is guaranteed, in compliance with Articles 25 and 26 of Directive 95/46/EC.</i></p>		Covered in point 2 of Presidency compromise proposal above

Commission proposal st13195/11	EP amendments (1st reading)	Council's position st12870/12	Comments
	Amendment 45 Article 1 - Point 1 - Council Regulation (EEC) No 3821/85 - Article 3g (new) <i>Article 3g Specifications</i>		
	<p><i>1. The Commission shall be empowered to adopt delegated acts in accordance with Article 39 to adopt the detailed specifications necessary to amend and supplement the Annexes to this Regulation to ensure that the tachograph, the tachograph cards and software used by control officers for the analysis and interpretation of data stored in the tachograph comply with the principles and requirements set out in this Regulation, in particular in Chapter I and Chapter II.</i></p> <p><i>2. The Commission shall adopt the detailed specifications referred to in paragraph 1 two years after ...</i></p>		Specifications - Issue to be discussed at a later stage.

Commission proposal st13195/11	EP amendments (1st reading)	Council's position st12870/12	Comments
	<p>3. <i>Where relevant, and depending on the area covered by the specification, the specification may include one or more of the following types of provisions:</i></p>		
	<p><i>(a) functional provisions that describe the roles of the various users and the information flow between them;</i></p>		
	<p><i>(b) technical provisions that provide for the technical means to fulfil the functional provisions and requirements set down in this Regulation;</i></p>		
	<p><i>(c) organisational provisions that describe the procedural obligations of the various stakeholders;</i></p>		
	<p><i>(d) service provisions that describe the various levels of services and their content.</i></p>		

Commission proposal st13195/11	EP amendments (1st reading)	Council's position st12870/12	Comments
	<p><i>4. The specifications shall, where appropriate, be based on standards and shall guarantee the interoperability and compatibility between the various versions and generations of vehicle units, tachographs cards and equipment of enforcement authorities.</i></p>		
	<p><i>5. In relation to the performance of the functions of the smart tachograph referred to in Chapter II, the specifications shall include the necessary requirements to guarantee the accuracy and reliability of data provided by the use of external devices connected to the tachograph.</i></p>		
	<p><i>6. Any data that can be transmitted or collected in or out of the tachograph whether wirelessly or electronically, whether forming part of a legal requirement or not, shall be in the form of publicly available protocols.</i></p>		

Commission proposal st13195/11	EP amendments (1st reading)	Council's position st12870/12	Comments
	<p>7. <i>The Commission shall conduct an impact assessment including a cost-benefit analysis prior to the adoption of the specifications referred to in Chapter II.</i></p> <p>* <i>OJ: please insert date of entry into force of this Regulation.</i></p>		

Commission proposal st13195/11	EP amendments (1st reading)	Council's position st12870/12	Comments
Chapter II - title			
Smart recording equipment		Smart [...] <u>tachograph</u>	<u>Package I</u> Council's text acceptable to EP.
Amendment 46			
Article 1 - Point 1 - Council Regulation (EEC) No 3821/85 - Article 4 - paragraph 1			
<p><i>Location data shall be recorded to allow the identification of the starting and ending place of the daily work period.</i> For that purpose, vehicles put into service for the first time [48 months after the entry into force of <i>this Regulation</i>] shall be fitted with recording equipment connected to a global navigation satellite system (GNSS).</p>	<p><i>1. In order to facilitate verification of compliance with the relevant legislation, the position of the starting and ending place of the daily working period and of each transport operation shall be recorded automatically.</i> For that purpose, vehicles put into service for the first time 24 months after the entry into force of <i>the specifications referred to in this Article and in Article 3g</i> shall be fitted with a tachograph connected to a global navigation satellite system (GNSS).</p>	<p><u>1. [...] Wherever possible, the position of the starting and ending place of the daily working period shall be recorded.</u> For that purpose, vehicles [...] <u>registered</u> for the first time <u>40 months</u> after the entry into force of [...] <u>technical specifications as referred to in Article 6a</u> shall be fitted with a [...] <u>tachograph</u> connected to a [...] <u>satellite positioning service.</u></p>	<p><u>Package I</u> Presidency compromise proposal: "<u>1. [...] Wherever possible, in order to facilitate verification of compliance with the relevant legislation, the position of the vehicle shall be recorded automatically at the following points, or at the closest point to such places where the satellite signal is available:</u> - <u>the starting place of the daily working period;</u> - <u>every three hours of accumulated driving time;</u> - <u>the ending place of the daily working period;</u>".</p> <p><u>New Presidency compromise on the last part:</u> For that purpose, vehicles registered for the first time 40 36</p>

Commission proposal st13195/11	EP amendments (1st reading)	Council's position st12870/12	Comments
			months after the entry into force of technical specifications as referred to in Article 6a shall be fitted with a tachograph connected to a satellite positioning service
Article 1 - Point 1 - Council Regulation (EEC) No 3821/85 - Article 4 - paragraph 1a (new)	Amendment 47		
	<p><i>1a. As regards the connection of the tachograph to a GNSS, as referred to in paragraph 1, use shall be made only of satellite positioning service connections that exploit a positioning service free of charge.</i></p>	<p><u>2. As regards the connection of the tachograph to a satellite positioning service, as referred to in paragraph 1, use shall be made only of such satellite positioning service connections that exploit a positioning service free of payment.</u></p>	<p><u>Package I</u></p> <p><u>Presidency compromise proposal acceptable to EP:</u></p> <p>"2. As regards the connection of the tachograph to a satellite positioning service based on a satellite navigation system, as referred to in paragraph 1, use shall be made only of such satellite-positioning service connections that exploit a positioning service free of payment."</p>

Commission proposal st13195/11	EP amendments (1st reading)	Council's position st12870/12	Comments
	<i>No position data other than those expressed, wherever possible, in geographical coordinates for determining the starting and ending points referred to in paragraph 1 shall be stored in the tachograph.</i>	<u>No position data other than the one expressed, wherever possible, in geographical coordinates for determining the starting and ending points referred to in paragraph 1 shall be stored in the recording equipment.</u>	<u>Presidency compromise proposal:</u> "No position data other than the one expressed, wherever possible, in geographical coordinates for determining the starting and ending points referred to in paragraph 1 shall be stored in the recording equipment."
Amendment 48			
Article 1 - Point 1 - Council Regulation (EEC) No 3821/85 - Article 4 - paragraph 2			
The Commission shall be empowered to adopt delegated acts in accordance with Article 39 concerning the supplementing of Annex IB with the detailed technical specifications necessary to enable the processing of the location data received from the GNSS by the recording equipment .	2. The Commission shall be empowered to adopt delegated acts in accordance with Article 39 concerning the development of the detailed specifications necessary to enable the processing of the location data received from the GNSS by the tachograph as set out in this Article .	Deleted	Package III Linked to content of Annex IB and implementing acts – Presidency proposes to maintain the deletion.
	<i>In particular, the specifications shall comply with the following conditions:</i>		
	<i>- they shall be based on the use of a free of charge GNSS service;</i>		

Commission proposal st13195/11	EP amendments (1st reading)	Council's position st12870/12	Comments
	<p><i>- only the location data strictly needed to cross check the information recorded by the tachograph by control authorities shall be automatically and compulsorily recorded;</i></p>		
	<p><i>- a data protection impact assessment shall be carried out and made publicly available before the adoption of the delegated acts referred to in this Article;</i></p>		
	<p><i>- the use of authenticated signals shall not be compulsory as far as they cannot be obtained free of charge.</i></p>		
	<p><i>The specifications shall establish the type of events that may trigger an automatic record of position and the situation for which a manual record should remain possible. The specifications shall specify the different conditions and requirements for the GNSS receiver to be both outside or embedded in the tachograph, and</i></p>		

Commission proposal st13195/11	EP amendments (1st reading)	Council's position st12870/12	Comments
	<i>when outside how to correlate GNSS with other vehicle motion data.</i>		
	<p>Amendment 49</p> <p>Article 1 - Point 1 - Council Regulation (EEC) No 3821/85 - Article 4 - paragraph 2a (new)</p> <p>2a. Any other use of the location data recorded by the tachograph shall be voluntary for transport undertakings and shall comply with the data protection legal framework in the Union.</p>		<p>Package I</p> <p>Already covered in Presidency compromise proposal for amendment 4. Presidency proposes to reject this amendment</p>
Remote communication for control purposes	<p>Amendment 50</p> <p>Article 1 - Point 1 - Council Regulation (EEC) No 3821/85 - Article 5 - title</p> <p>Remote <i>early detection of possible manipulation or misuse</i></p>	Remote early detection of possible manipulation or misuse	Package I Council's text acceptable to EP.
<p>1. In order to facilitate targeted roadside checks by the competent control authorities, the recording equipment installed in vehicles put into service for the first time [48 months after the entry into force of this Regulation] shall be able to communicate while the vehicle is in motion to those authorities.</p>	<p>Amendment 51</p> <p>Article 1 - Point 1 - Council Regulation (EEC) No 3821/85 - Article 5 - paragraph 1</p> <p>1. In order to facilitate targeted roadside checks by the competent control authorities, the tachograph installed in vehicles registered for the first time 24 months after the entry into force of specifications referred to in this Article and Article 3g shall be able to communicate data to those authorities while the vehicle is in motion.</p>	<p>1. In order to facilitate targeted roadside checks by the competent control authorities, the [...] tachograph installed in vehicles [...] registered for the first time 40 months after the entry into force of technical specifications as referred to in Article 6a shall be able to communicate while the vehicle is in motion to those</p>	<p>Package I</p> <p>Package III (on the specifications)</p> <p>The part on DSRC is not acceptable to EP as it is opposed to any reference to a specific technology in the main body of the text ("technology neutral"). Presidency proposes to cover it</p>

Commission proposal st13195/11	EP amendments (1st reading)	Council's position st12870/12	Comments
		<p>authorities. <u>Such communication shall comply with relevant international standards such as the suite of standards related to Dedicated Short Range Communication (DSRC) established by the European Committee for Standardization.</u></p>	<p>through a recital.</p> <p>Presidency compromise proposal to delete last part of Council text. (put it in a new recital) acceptable:</p> <p><u>"Where applicable, the data exchanged during communication with the control authorities in the Member States should comply with relevant international standards such as the suite of standards related to Dedicated Short Range Communication (DSRC) established by the European Committee for Standardization."</u></p> <p>Finally, Council proposes time frame of 36 months after the entry into force of technical specifications (see amendment 46).</p>

Commission proposal st13195/11	EP amendments (1st reading)	Council's position st12870/12	Comments
Article 1 - Point 1 - Council Regulation (EEC) No 3821/85 - Article 5 - paragraph 1a (new)	<p style="text-align: center;">Amendment 52</p> <p><i>1a. Member States shall equip their control authorities with the remote early detection equipment necessary to permit the data communication referred to in this Article.</i></p>	<p><u>1a. Member States may decide not to equip their control authorities with the remote early detection equipment needed to request the data communication referred to in this Article as this equipment is not part of the mandatory control equipment listed in the Directive 2006/22/EC.</u></p>	<p>Package II</p> <p>EP keeps its text.</p> <p>Member States strongly reject any obligation to equip their control authorities with the remote early detection equipment.</p>

Commission proposal st13195/11	EP amendments (1st reading)	Council's position st12870/12	Comments
Amendment 53 Article 1 - Point 1 - Council Regulation (EEC) No 3821/85 - Article 5 - paragraph 2			
<p>2. Communication shall be established with the recording equipment only when so requested by the equipment of the control authorities. It shall be secured to ensure data integrity and authentication of the recording and control equipment.</p>	<p>2. <i>The communication of data referred to in paragraph 1</i> shall be established with the tachograph only when so requested by the equipment of the control authorities. It shall be secured to ensure data integrity and authentication of the tachograph and control equipment. <i>The access to the data communicated shall be restricted to enforcers authorised to control infringements of this Regulation and Regulation (EC) No 561/2006 and to workshops insofar as it is necessary to verify the correct functioning of the tachograph.</i></p>	<p>2. <u>The communication referred to in paragraph 1 [...]</u> shall be established with the <u>[...]</u> tachograph only when so requested by the equipment of the control authorities. It shall be secured to ensure data integrity and authentication of the recording and control equipment. <u>The access to the data communicated shall be restricted to enforcers authorized to control infringements against Regulation 561/2006 and Regulation 3821/85 and to workshops insofar as it is necessary to verify the correct functioning of the tachograph.</u></p>	<p>Package I</p> <p>Council's text acceptable to EP.</p>

Commission proposal st13195/11	EP amendments (1st reading)	Council's position st12870/12	Comments
Amendment 54 Article 1 - Point 1 - Council Regulation (EEC) No 3821/85 - Article 5 - paragraph 3			
3. The data exchanged during communication shall be limited to the data necessary for the purpose of targeted roadside checks. Data concerning the identity of the driver, <i>driver activities and speed</i> shall not be communicated.	3. The data exchanged during communication shall be limited to the data necessary for the purpose of targeted roadside checks. <i>Such data shall relate to the following events or data recorded by the tachograph:</i>	Package I <u>3. The data exchanged during communication shall be limited to the data necessary for the purpose of targeted roadside checks to vehicles with a potentially manipulated or misused tachograph. Such data shall relate to the following events or data recorded by the tachograph:</u>	EP can accept most of Council's text, EP will check internally whether it still insists on the part of its amendment concerning the identity and nationality of the driver, following the explanation given by the Commission.
	- <i>The latest security breach attempt</i>	- <u>The latest security breach attempt</u>	
	- <i>The longest power supply interruption</i>	- <u>The longest power supply interruption</u>	
	- <i>Sensor fault</i>	- <u>Sensor fault</u>	
	- <i>Motion data error</i>	- <u>Motion data error</u>	
	- <i>Vehicle motion conflict</i>	- <u>Vehicle motion conflict</u>	
	- <i>Driving without a valid card</i>	- <u>Driving without a valid card</u>	
	- <i>Card insertion while driving</i>	- <u>Card insertion while driving</u>	
	- <i>Time adjustment data</i>	- <u>Time adjustment data</u>	
	- <i>Calibration data including the dates of the two latest calibrations</i>	- <u>Calibration data including the dates of the two latest calibrations</u>	
	- <i>Vehicle Registration Number</i>	- <u>Vehicle Registration Number</u>	
	Data concerning the identity <i>and nationality</i> of the driver shall not be communicated.	- <u>Speed recorded by the tachograph.</u>	

Commission proposal st13195/11	EP amendments (1st reading)	Council's position st12870/12	Comments
<p>Article 1 - Point 1 - Council Regulation (EEC) No 3821/85 - Article 5 - paragraph 4</p> <p>4. The data exchanged shall be used for the sole purpose of controlling compliance with this Regulation and Regulation (EC) No 561/2006. It shall not be transmitted to entities other than control authorities.</p>	<p>Amendment 55</p> <p>4. The data exchanged shall be used for the sole purpose of controlling compliance with this Regulation and Regulation (EC) No 561/2006. It shall not be transmitted to entities other than control authorities <i>or judicial bodies, during the course of an ongoing judicial procedure.</i></p>	<p>Amendment 55</p> <p>4. The data exchanged shall be used for the sole purpose of controlling compliance with this Regulation <u>[...]</u>. It shall not be transmitted to entities other than authorities <u>controlling driving and rest periods or judicial bodies, in the framework of an ongoing judicial procedure.</u></p>	<p>Package I</p> <p>EP text acceptable except reference to Regulation (EC) No 561/2006.</p>
<p>Article 1 - Point 1 - Council Regulation (EEC) No 3821/85 - Article 5 - paragraph 5</p> <p>5. The data may only be stored by the control authorities for the duration of a roadside check, and shall be deleted at the latest two hours after <i>this has concluded.</i></p>	<p>Amendment 56</p> <p>5. The data may only be stored by the control authorities for the duration of a roadside check, and shall be deleted at the latest two hours after <i>their communication unless the data indicate a possible manipulation or misuse of the tachograph. If in the course of the subsequent roadside check the manipulation or misuse is not confirmed, the data transmitted shall be deleted. Data related to vehicle identification or to a technical parameter not containing any personal data can be used by control authorities for statistical</i></p>	<p>Amendment 56</p> <p>5. The data may only be stored by the control authorities for the duration of a roadside check, and shall be deleted at the latest three hours after <u>its communication unless the data indicates a possible manipulation or misuse of the tachograph. If in the course of the following road-side check the manipulation or misuse is not confirmed, the data transmitted shall be deleted.</u></p>	<p>Package I</p> <p>Council's text acceptable to EP.</p>

Commission proposal st13195/11	EP amendments (1st reading)	Council's position st12870/12	Comments
Amendment 57			
Article 1 - Point 1 - Council Regulation (EEC) No 3821/85 - Article 5 - paragraph 6			
6. <i>The owner or holder of the vehicle</i> shall be responsible for informing the driver of the possibility of remote communication.	6. <i>The transport undertaking</i> which operates the vehicle shall be responsible for informing the driver of the possibility of remote communication.	6. <u>[...] The transport undertaking which operates</u> the vehicle shall be responsible for informing the driver of the possibility of remote early detection of possible manipulation or misuse of the tachograph .	Package I <u>Presidency compromise proposal acceptable to EP:</u> "The transport undertaking which operates the vehicle shall be responsible for informing the driver of the possibility of remote communication for the purpose of early detection of possible manipulation or misuse of the tachograph ".

Commission proposal st13195/11	EP amendments (1st reading)	Council's position st12870/12	Comments
<p>Article 1 - Point 1 - Council Regulation (EEC) No 3821/85 - Article 5 - paragraph 7</p> <p>7. The competent control authority, on the basis of the data exchanged, may decide to carry out a check on the vehicle and the recording equipment.</p>	<p>Amendment 58</p> <p>7. <i>In no case shall a remote control communication of the type described in this Article lead to automatic fines or penalties for the driver or undertaking.</i> The competent control authority, on the basis of the data exchanged, may decide to carry out a check on the vehicle and the tachograph. <i>The result of the remote communication shall not prevent control authorities from carrying out random roadside checks based on the risk rating system introduced by Article 9 of Directive 2006/22/EC.</i></p>	<p><u>Deleted</u></p>	<p><u>Package I</u></p> <p>EP text acceptable to the Council.</p>

Commission proposal st13195/11	EP amendments (1st reading)	Council's position st12870/12	Comments
<p>Article 1 - Point 1 - Council Regulation (EEC) No 3821/85 - Article 5 - paragraph 8</p> <p>8. The Commission shall be empowered to adopt delegated acts in accordance with Article 39 concerning the supplementing of Annex IB with the detailed technical specifications necessary to enable remote communication between the recording equipment and the competent control authorities as set out in this Article.</p>	<p>Amendment 59+122</p> <p>8. The Commission shall be empowered to adopt delegated acts in accordance with Article 39 concerning the development of the detailed specifications necessary to enable remote communication between the tachograph and the competent control authorities as set out in this Article. The Commission may also extend the time limit referred to in paragraph 1 if it can show at the end of that period that no suitable equipment meeting the required specifications is yet available.</p>	<p>Deleted</p>	<p>Package III</p> <p>Linked to content of Annex IB and implementing acts – Presidency proposes to maintain deletion.</p>

Commission proposal st13195/11	EP amendments (1st reading)	Council's position st12870/12	Comments
Article 6 - paragraph 1			
1. The recording equipment referred to in Annex IB shall be interoperable with the intelligent transport systems applications as defined in Article 4 of Directive 2010/40/EU of the European Parliament and of the Council on the framework for the deployment of Intelligent Transport Systems in the field of road transport and for interfaces with other modes of transport ¹⁶ .		<u>Deleted</u>	<u>Package III</u>
Amendment 60			
Article 1 - Point 1 - Council Regulation (EEC) No 3821/85 - Article 6 - paragraph 1a (new)			
	<i>1a. Only data recorded by the tachograph that are strictly necessary for processing in an intelligent transport system (ITS) application may be accessible.</i>		<u>Package I</u> <u>ITS</u> EP keeps its text. Presidency proposes to reject EP text - not clear what "strictly necessary" data might be.

¹⁶ OJ L 207, 6.8.2010, p. 1.

Commission proposal st13195/11	EP amendments (1st reading)	Council's position st12870/12	Comments
	<p><i>Data recorded by the tachograph may be transmitted to ITS applications provided that the following conditions are met:</i></p>	<p><u>Tachographs of vehicles registered for the first time 40 months after the entry into force of technical specifications as referred to in Article 6a may be equipped with interfaces allowing the data recorded or produced by tachograph to be used in operational mode, by an external device, provided that the following conditions are met:</u></p>	<p><u>Presidency compromise proposal:</u> ‘Tachographs of vehicles registered for the first time 40-36 months after the entry into force of technical specifications as referred to in Article 6a may shall either be equipped with an interface or have the capacity to connect to an interface allowing the data recorded or produced by tachograph to be used in operational mode, by an external device, provided that the following conditions are met.’</p>
	<p><i>(a) the interface does not affect the authenticity and the integrity of the data of the tachograph;</i></p>	<p><u>(a) the interface does not affect the authenticity and the integrity of the data of the tachograph;</u></p>	<p>Presidency proposes to maintain the Council text.</p>
	<p><i>(b) the external device connected to the interface has access to personal data, including ge positioning data, only after the verifiable consent of the driver to which the data relates.</i></p>	<p><u>(b) the interface complies with the specifications of Article 6a;</u></p>	<p>Presidency proposes to maintain the Council text.</p>

Commission proposal st13195/11	EP amendments (1st reading)	Council's position st12870/12	Comments
		<u>(c) the external device connected to the interface has access to personal data, including geopositioning data, only after the verifiable consent of the driver to which the data relates.</u>	Presidency proposes to maintain the Council text.
Amendment 61			
Article 1 - Point 1 - Council Regulation (EEC) No 3821/85 - Article 6 - paragraph 2			
2. For the purpose of paragraph 1, vehicles put into service for the first time <i>[48 months]</i> after the entry into force of <i>this Regulation</i> shall be fitted with <i>recording equipment</i> equipped with a harmonised interface allowing the data recorded <i>or produced</i> to be used for intelligent transport systems applications.	2. For the purpose of paragraph 1, vehicles put into service for the first time 24 months after the entry into force of <i>the technical specifications referred to in this Article</i> shall be fitted with a <i>tachograph</i> equipped with a harmonised interface allowing the data recorded to be used for intelligent transport systems application.	<u>Deleted</u>	<u>Package I</u> EP keeps its text. Not necessary if Presidency compromise proposal for amendment 60 is accepted.
Amendment 62+123			
Article 1 - Point 1 - Council Regulation (EEC) No 3821/85 - Article 6 - paragraph 3			
3. The Commission shall be empowered to adopt delegated acts in accordance with Article 39 concerning the <i>supplementing</i> of <i>Annex IB</i> with the specifications of the interface, access rights and the list of data which may be accessed.	3. The Commission shall be empowered to adopt delegated acts in accordance with Article 39 concerning the <i>development</i> of the specifications of the <i>harmonised</i> interface, access rights and the list of data which may be accessed.	<u>Deleted</u>	<u>Package III</u> Linked to content of Annex IB and implementing acts – Presidency proposes to maintain deletion.

Commission proposal st13195/11	EP amendments (1st reading)	Council's position st12870/12	Comments
	<p><i>The Commission may also extend the time limit referred to in paragraph 1 if it can show at the end of that period that no suitable equipment meeting the required specifications is yet available.</i></p>		<p><u>Package III</u> Linked to content of Annex IB and implementing acts – Presidency proposes to maintain deletion.</p>
	<p><i>Priority shall be given to the development of a harmonised ITS application which enables drivers to interpret the data recorded in the tachograph in order to help them comply with social legislation.</i></p>		<p><u>Package I</u> <u>Presidency compromise proposal for a recital 7(a):</u> <u>"Priority should be given to the development of applications which help drivers to interpret the data recorded in the tachograph in order to enable them to comply with social legislation"</u>.</p>

Commission proposal st13195/11	EP amendments (1st reading)	Council's position st12870/12	Comments
Article 6a (new)			
		<p><u>Specifications of smart tachograph</u></p> <p><u>In order to ensure the uniform implementation of the provisions in this Chapter, the Commission shall adopt necessary specifications, excluding any specifications which would include provisions on the recording of additional data by the tachograph. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 40(3).</u></p>	<p><u>Package III</u></p> <p>Linked to content of Annex IB and implementing acts – Council text to be finalised following an agreement on this issue.</p>

Commission proposal st13195/11	EP amendments (1st reading)	Council's position st12870/12	Comments
<p>Article 1 - Point 1 - Council Regulation (EEC) No 3821/85 - Article 7 - paragraph 1</p> <p>1. Manufacturers or their agents shall submit an application for EU approval of a type of vehicle unit, motion sensor, model record sheet or tachograph card to the type approval authorities designated to that effect by each Member State.</p>	<p>Amendment 63+150</p> <p>1. Manufacturers or their agents shall submit an application for EU approval of a type of vehicle unit, <i>weight sensor</i>, motion sensor, model record sheet, tachograph card <i>or software used by the competent control authorities to interpret data</i>, to the type approval authorities designated to that effect by each Member State <i>and whose certification conditions are recognised by the management committee of the SOG-IS European mutual recognition agreement. The Commission shall consult the management committee of the SOG-IS agreement before any decision is made to recognise a certification body from a third country.</i></p>	<p>1. Manufacturers or their agents shall submit an application for EU approval of a type of vehicle unit, motion sensor, model record sheet or tachograph card to the type approval authorities designated to that effect by each Member State.</p>	<p><u>1st part: Package I</u></p> <p>Weight sensors</p> <p><u>Revised Presidency compromise proposal for a recital:</u></p> <p><u>"...The Commission should consider the inclusion of weights sensors in heavy goods vehicles, and should assess the potential for weight sensors to contribute to an improved enforcement of the control of driving and resting times"</u>.</p> <p><u>2nd part: Package II</u></p> <p>Type approval of the software - Stick to Council's position</p> <p>EP insists on its text regarding the software at this stage but Council maintains its position. Member States consider that type approval of software is not proportionate to the objectives of the Regulation. The responsibility for the interpretation of data</p>

Commission proposal st13195/11	EP amendments (1st reading)	Council's position st12870/12	Comments
			<p>should remain with the competent control authority in each Member State.</p> <p>3rd part: Package I (SOG-IS) covered by the Council's position in recital 9a) - EP Agreed.</p>

Commission proposal st13195/11	EP amendments (1st reading)	Council's position st12870/12	Comments
Amendment 64 Article 1 - Point 1 - Council Regulation (EEC) No 3821/85 - Article 7 - paragraph 2			
<p>2. Member States shall communicate to the Commission the name and contact details of the authorities designated according to paragraph 1. The Commission shall publish the list of designated type approval authorities on its website.</p>	<p>2. Member States shall communicate to the Commission at the latest three months after ... the name and contact details of the authorities designated according to paragraph 1. The Commission shall publish the list of designated type approval authorities on its website.</p>	<p>2. Member States shall communicate to the Commission the name and contact details of the authorities designated according to paragraph 1. The Commission shall publish the list of designated type approval authorities on its website.</p>	<p>Package I</p> <p><u>Presidency compromise proposal acceptable to EP:</u></p> <p>"Member States shall communicate to the Commission at the latest within one year of ... the name and contact details of the authorities designated according to paragraph 1 and provide any update thereafter as required. The Commission shall publish the list of designated type approval authorities on its website and update it accordingly".</p> <p>* OJ: please insert date of entry into force of this Regulation</p>
	<p>* OJ: please insert date of entry into force of this Regulation.</p>		

Commission proposal st13195/11	EP amendments (1st reading)	Council's position st12870/12	Comments
Article 1 - Point 1 - Council Regulation (EEC) No 3821/85	<p>Amendment 65</p> <p>Article 1 - Point 1 - Council Regulation (EEC) No 3821/85 - Article 7 - paragraph 2a (new)</p> <p>2a. Type approval of tachographs and of tachograph cards shall include security related tests, functional tests and interoperability tests. Positive results for each of these tests shall be stated on an appropriate certificate.</p>	<p><u>Package I</u> <u>Type-approval</u></p> <p>See Presidency compromise proposal for Amendments 66 and 67.</p>	
<p>Article 1 - Point 1 - Council Regulation (EEC) No 3821/85 - Article 7 - paragraph 3</p> <p>3. An application for type approval shall be accompanied by the appropriate specifications and by <i>the certificates referred to in Section VIII of Annex IB. The Commission shall appoint the independent evaluators who will deliver the security certificate.</i></p>	<p>Amendment 66</p> <p>Article 1 - Point 1 - Council Regulation (EEC) No 3821/85 - Article 7 - paragraph 3</p> <p>3. An application for type approval shall be accompanied by the appropriate specifications and by <i>security, functional and interoperability certificates. It shall also provide information on how the elements of the tachograph are to be sealed.</i></p>	<p><u>Package I</u></p> <p>Not acceptable as it stands for Council. Unnecessary, more costs.</p> <p>Presidency compromise proposal (to see in conjunction with amendment 67): "An application for type approval shall be accompanied by the appropriate specifications, including necessary information regarding the seals, and by the security, functional and interoperability certificates.[...]"</p>	

Commission proposal st13195/11	EP amendments (1st reading)	Council's position st12870/12	Comments
Article 1 - Point 1 - Council Regulation (EEC) No 3821/85 - Article 7 - paragraph 3a (new)	<p style="text-align: center;">Amendment 67</p> <p>3a. The security certificate stating compliance against security targets shall be delivered in accordance with the provisions of this Regulation. The security certificate shall be issued by a certification body recognised by the Commission. A functional certificate shall be delivered to the manufacturer only after all functional tests specified in accordance with this Regulation, certifying that the item tested fulfils the appropriate requirements in terms of functions performed, measurement accuracy and environmental characteristics, have been successfully passed. The type approval authority shall deliver the functional certificate. An interoperability certificate shall be delivered by a single laboratory under the authority and responsibility of the Commission. The interoperability tests, certifying that the</p>		<p><u>Package III</u></p> <p><u>Presidency compromise proposal:</u></p> <p>"The security certificate shall be issued by a recognised certification body designated by the Commission.</p> <p><u>The functional certificate shall be delivered to the manufacturer by the type approval authority.</u></p> <p><u>The interoperability certificate shall be delivered by a single laboratory under the authority and responsibility of the Commission.</u></p> <p><u>For the tachograph, its relevant components or the tachograph card:</u></p> <ul style="list-style-type: none"> - <u>The security certificate certifies compliance with security targets;</u> - <u>The functional certificate certifies that the tested item fulfils the appropriate requirements in terms of functions performed,</u>

Commission proposal st13195/11	EP amendments (1st reading)	Council's position st12870/12	Comments
	<p><i>tachographs or tachograph card are fully interoperable with the necessary tachographs or tachograph card models, are carried out in accordance with this Regulation. No interoperability tests shall be carried out by the laboratory for tachograph or tachograph cards that have not been granted a security certificate and a functionality certificate, except in the exceptional circumstances described in this Regulation</i></p>		<p><u>measurement accuracy and environmental characteristics;</u> - <u>The interoperability certificate certifies that the tested item is fully interoperable with the necessary tachographs or tachograph card models".</u></p>
Article 1 - Point 1 - Council Regulation (EEC) No 3821/85 - Article 7 - paragraph 3b (new)	Amendment 68		
	<p><i>3b. Any modification in software or hardware of the tachograph or in the nature of materials used for its manufacture shall, before being used, be notified to the authority which granted type-approval for the equipment. This authority shall confirm to the manufacturer the extension of the type approval, or may require an update or a confirmation of the relevant functional, security and/or interoperability certificates.</i></p>		<p><u>Package III</u> EP text acceptable to the Council.</p>

Commission proposal st13195/11	EP amendments (1st reading)	Council's position st12870/12	Comments
Article 7 - paragraph 5 (new)			
		<p><u>5. In order to ensure the uniform application of the provisions of this Article, the Commission shall provide specification as regards the certificates as referred to in paragraph 3. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 40(3).</u></p>	<p><u>Package III</u></p> <p>Linked to content of Annex IB and implementing acts – Presidency proposes to maintain Council text.</p>
Amendment 69			
<p>Article 1 - Point 1 - Council Regulation (EEC) No 3821/85 - Article 8 - paragraph 1 - subparagraph 1</p> <p>A Member State shall grant EU component type approval to any type of vehicle unit, motion sensor, model record sheet <i>or</i> tachograph card which complies with the requirements <i>laid down in Annexes I or IB</i>, provided the Member State is in a position to check that production models conform to the approved type.</p>	<p>A Member State shall grant EU component type approval to any type of vehicle unit, motion sensor, model record sheet, tachograph card <i>or software for the interpretation of data stored by the tachograph by control authorities</i> which complies with the requirements <i>set out in the specifications referred to in this Regulation</i>, provided the Member State is in a position to check that production models conform to the approved type.</p>	<p>A Member State shall grant EU component type approval to any type of vehicle unit, motion sensor, model record sheet or tachograph card which complies with the requirements set out in Article 3a, provided the Member State is in a position to check that production models conform to the approved type.</p>	<p><u>Package II</u></p> <p>Type approval of software EP keeps its text. Council position as per amendments 63+150.</p>

Commission proposal st13195/11	EP amendments (1st reading)	Council's position st12870/12	Comments
Article 9			
Member States shall issue to the applicant an EU type approval mark conforming to the model in Annex II, for each type of vehicle unit, motion sensor, model record sheet or tachograph card which they approve pursuant to Article 8.		Member States shall issue to the applicant an EU type approval mark conforming to <u>[...] a pre-established model</u> , for each type of vehicle unit, motion sensor, model record sheet or tachograph card which they approve pursuant to Article 8. <u>Such models shall be adopted by the Commission in accordance with the examination procedure referred to in Article 40(3).</u>	Package III Linked to content of Annex IB and implementing acts – Presidency proposes to maintain Council text.
Amendment 70			
Article 1 - Point 1 - Council Regulation (EEC) No 3821/85 - Article 10 - paragraph 1			
The competent authorities of the Member State to which the application for type approval has been submitted shall, in respect of each type of vehicle unit, motion sensor, model record sheet <i>or</i> tachograph card which they approve, send within one month a copy of the approval certificate accompanied by copies of the relevant specifications to the authorities of the other Member States.	The competent authorities of the Member State to which the application for type approval has been submitted shall, in respect of each type of vehicle unit, motion sensor, model record sheet, tachograph card <i>or software for the interpretation of data stored by the tachograph by control authorities</i> , which they approve, send within one month a copy of the approval certificate accompanied by copies of the relevant specifications, <i>including information about the seals</i> , to	The competent authorities of the Member State to which the application for type approval has been submitted shall, in respect of each type of vehicle unit, motion sensor, model record sheet or tachograph card which they approve, send within one month a copy of the type approval certificate accompanied by copies of the relevant specifications, <u>including with regard to the seals</u> , to the authorities of the other Member States. <u>When the competent authorities do not</u>	Package II EP keeps its text. For type approval of software, Council position as per amendments 63+150.

Commission proposal st13195/11	EP amendments (1st reading)	Council's position st12870/12	Comments
	the authorities of the other Member States.	<u>approve the application for type approval, they shall notify the authorities of the other Member States that approval has been refused and shall communicate the reasons for their decision.</u>	
Article 11 - paragraph 1			
1. If a Member State which has granted EU type-approval as provided for in Article 8 finds that any vehicle units, motion sensors, record sheets or tachograph cards bearing the EU type-approval mark issued by it do not conform to the prototype which it has approved, it shall take the necessary measures to ensure that production models conform to the approved prototype. The measures taken may, if necessary, extend to withdrawal of EU type approval.		If a Member State which has granted EU type-approval as provided for in Article 8 finds that any vehicle units, motion sensors, record sheets or tachograph cards bearing the EU type-approval mark issued by it do not conform to the <u>[...]</u> type which it has approved, it shall take the necessary measures to ensure that production models conform to the approved <u>[...]</u> type. The measures taken may, if necessary, extend to withdrawal of EU type approval.	<u>Package I</u> Council's text acceptable to EP.

Commission proposal st13195/11	EP amendments (1st reading)	Council's position st12870/12	Comments
1. An applicant for EU type approval of a model record sheet shall state on the application the type or types of recording equipment referred to in Annex I on which the sheet in question is designed to be used and shall provide suitable equipment of such type or types for the purpose of testing the sheet.	Article 12 - paragraph 1	1. An applicant for EU type approval of a model record sheet shall state on the application the type or types of [...] analogue tachographs on which the sheet in question is designed to be used and shall provide suitable equipment of such type or types for the purpose of testing the sheet.	<u>Package I</u> Council's text acceptable to EP.
2. The competent authorities of each Member State shall indicate on the approval certificate for the model record sheet the type or types of recording equipment referred to in Annex I on which that model sheet may be used.	Article 12 - paragraph 2	2. The competent authorities of each Member State shall indicate on the approval certificate for the model record sheet the type or types of [...] analogue tachographs on which that model sheet may be used.	<u>Package I</u> Council's text acceptable to EP.

Commission proposal st13195/11	EP amendments (1st reading)	Council's position st12870/12	Comments
Article 14			
<p>No Member State may refuse to register any vehicle fitted with recording equipment, or prohibit the entry into service or use of such vehicle for any reason connected with the fact that the vehicle is fitted with such equipment, if the equipment bears the EU type approval mark referred to in Article 9 and the installation plaque referred to in Article 17(4).</p>		<p>No Member State may refuse to register any vehicle fitted with [...] tachograph, or prohibit the entry into service or use of such vehicle for any reason connected with the fact that the vehicle is fitted with such equipment, if the equipment bears the EU type approval mark referred to in Article 9 and the installation plaque referred to in Article 17(4).</p>	<p><u>Package I</u> Council's text acceptable to EP.</p>
Amendment 71+151			
Article 1 - Point 1 - Council Regulation (EEC) No 3821/85 - Article 15 - paragraph 1			
<p>1. Manufacturers shall design, test and review vehicle units, motion sensors and tachograph cards put into production so as to detect vulnerabilities arising at all phases of the product life-cycle, and prevent or mitigate their possible exploitation.</p>	<p>1. Manufacturers shall design, test and review vehicle units, motion sensors, <i>weight sensors</i> and tachograph cards put into production so as to detect vulnerabilities arising at all phases of the product life-cycle, and prevent or mitigate their possible exploitation. <i>The frequency of tests shall be established by the Member State which granted the approval certificate, within a limit which shall not exceed two years.</i></p>	<p>1. Manufacturers shall design, test and review vehicle units, motion sensors and tachograph cards put into production so as to detect vulnerabilities arising at all phases of the product life-cycle, and prevent or mitigate their possible exploitation. <u>The frequency of tests shall be established by the Member State who granted the approval certificate, within a limit which shall not exceed two years.</u></p>	<p><u>Package I</u> <u>1st part:</u> weight sensors See AM 63 on weight sensors. <u>2nd part:</u> Council's text acceptable to EP.</p>

Commission proposal st13195/11	EP amendments (1st reading)	Council's position st12870/12	Comments
Amendment 72			
<p>Article 1 - Point 1 - Council Regulation (EEC) No 3821/85 - Article 15 - paragraph 2</p> <p>2. For this purpose, manufacturers shall submit appropriate documentation to the independent evaluator referred to in Article 7(3) for vulnerability analysis.</p>	<p>2. For this purpose, manufacturers shall submit appropriate documentation to the certification body as referred to in Article 7(3a) for vulnerability analysis.</p>	<p>2. For this purpose, manufacturers shall submit necessary documentation to the certification body as referred to in Article 7(3) for vulnerability analysis.</p>	<p>Package I</p> <p>EP agreed, except the reference to Article 7(3)/7(3a) to be discussed at a later stage.</p>
Amendment 73			
<p>Article 1 - Point 1 - Council Regulation (EEC) No 3821/85 - Article 15 - paragraph 3</p> <p>3. Independent evaluators shall conduct penetration tests on vehicle units, motion sensors and tachograph cards to confirm that known vulnerabilities cannot be exploited by individuals in possession of publicly available knowledge.</p>	<p>3. For the purpose of paragraph 1, the certification body as referred in Article 7(3a) shall conduct penetration tests on vehicle units, motion sensors and tachograph cards to confirm that known vulnerabilities cannot be exploited by individuals in possession of publicly available knowledge.</p>	<p>3. For the purpose of paragraph 1, the certification body as referred in Article 7(3) shall conduct [...] tests on vehicle units, motion sensors and tachograph cards to confirm that known vulnerabilities cannot be exploited by individuals in possession of publicly available knowledge.</p>	<p>Package I</p> <p>Deletion of "penetration" agreed. The rest will be examined under package III.</p>

Commission proposal st13195/11	EP amendments (1st reading)	Council's position st12870/12	Comments
Article 1 - Point 1 - Council Regulation (EEC) No 3821/85 - Article 15 - paragraph 3a (new)	<p style="text-align: center;">Amendment 74</p> <p><i>3a. If in the course of the tests as referred to in paragraphs 1 and 3, vulnerabilities in the vehicle unit, motion sensor or tachograph cards are detected, these elements shall not be put on the market. In such cases, the Member State which has granted the type approval shall withdraw it, in accordance with Article 11(2).</i></p>	<p><u>4. If in the course of tests as referred to in paragraphs 1 and 3, vulnerabilities in system elements (vehicle units, motion sensors and tachograph cards) are detected, these elements may not be put on the market. In such cases, the Member State which has granted the type-approval shall withdraw it, in accordance with Article 11 (2).</u></p> <p><u>In case of very serious vulnerabilities in system elements (vehicle units, motion sensors and tachograph cards) ascertained by the manufacturer or by the certification body, if the elements have already been put on the market, the manufacturer or the certification body shall inform the competent authorities of that Member State that Member State which shall take all the necessary measures to ensure that the problem is addressed, in particular by the manufacturer, and shall inform the Commission without delay</u></p>	<p><u>Package I</u></p> <p><u>Presidency compromise proposal acceptable to EP:</u></p> <p>"If in the course of tests as referred to in paragraph 1 and 3, vulnerabilities in system elements (vehicle units, motion sensors and tachograph cards) are detected, these elements shall not be put on the market.</p> <p><u>If vulnerabilities are detected in the course of tests as referred to in paragraph 3 for elements already on the market, the Member State which has granted the type approval shall withdraw it, in accordance with Article 11(2).</u> In case of very serious vulnerabilities in system elements (vehicle units, motion sensors and tachograph cards) ascertained by the manufacturer or by the certification body [...], the manufacturer or the certification body shall inform the competent authorities of that Member State</p>

Commission proposal st13195/11	EP amendments (1st reading)	Council's position st12870/12	Comments
		<p><u>of the vulnerabilities detected and of the measures envisaged or taken.</u></p>	<p>of the Member State which <u>has granted the type approval.</u> <u>Those competent authorities</u> shall take all the necessary measures to ensure that the problem is addressed, in particular by the manufacturer, and shall inform the Commission without delay of the vulnerabilities detected and of the measures envisaged or taken, <u>including where necessary the withdrawal of type approval in accordance with Article 11(2)."</u></p>
Amendment 75			
	<p>Article 1 - Point 1 - Council Regulation (EEC) No 3821/85 - Article 15 - paragraph 3b (new)</p> <p><i>3b. When a manufacturer or the certification body referred to in Article 7(3a) identifies a very serious vulnerability in the vehicle unit, motion sensor or tachograph cards and these elements have already been put on the market, the manufacturer or the certification body as referred in Article 7(3a) shall inform the competent authorities of that Member State without delay.</i></p>		<p><u>Package I</u></p> <p>Covered by previous Presidency compromise proposal on AM 74.</p>

Commission proposal st13195/11	EP amendments (1st reading)	Council's position st12870/12	Comments
Amendment 76 Article 1 - Point 1 - Council Regulation (EEC) No 3821/85 - Article 15 - paragraph 3c (new)			
	<p><i>3c. Member States shall take all the necessary measures to ensure that the problem referred to in paragraph 3b is addressed, in particular by the manufacturer, and shall inform the Commission without delay of the vulnerabilities detected and of the measures envisaged or taken.</i></p>	<p><u>Package I</u></p> <p>Covered by previous Presidency compromise proposal on AM 74.</p>	
Article 16 - paragraph 1			
<p>1. Member States may authorise field tests of recording equipment which has not yet been type approved. Member States shall mutually recognise authorisations for field tests granted by one Member State.</p>		<p>1. Member States may authorise field tests of [...] tachographs which <u>have</u> not yet been type approved. Member States shall mutually recognise authorisations for field tests granted by one Member State.</p>	<p><u>Package I</u></p> <p>Council's text acceptable to EP.</p>

Commission proposal st13195/11	EP amendments (1st reading)	Council's position st12870/12	Comments
<p>3. The Commission may adopt implementing acts to lay down the procedures to be followed for carrying out field tests and the forms to be used in order to monitor these field tests. Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 40(2).</p>	<p>Article 16 - paragraph 3</p>	<p>3. The Commission may adopt implementing acts to lay down the procedures to be followed for carrying out field tests and the forms to be used in order to monitor these field tests. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 40(3).</p>	<p><u>Package III</u> Linked to content of Annex IB and implementing acts – Presidency proposes to maintain Council text.</p>
<p>1. Recording equipment may be installed or repaired only by fitters or workshops approved by the competent authorities of the Member States for that purpose in conformity with Article 19.</p>	<p>Article 17 - paragraph 1</p>	<p>1. [...] <u>Tachographs</u> may be installed or repaired only by fitters, [...] workshops <u>or vehicle manufacturers</u> approved by the competent authorities of the Member States for that purpose in conformity with Article 19.</p>	<p><u>Package I</u> Council's text acceptable to EP.</p>

Commission proposal st13195/11	EP amendments (1st reading)	Council's position st12870/12	Comments
Amendment 77			
Article 1 - Point 1 - Council Regulation (EEC) No 3821/85 - Article 17 - paragraph 2			
<p>2. Fitters or workshops shall seal the recording equipment after having verified that it is functioning properly, and in particular that no manipulation device can tamper with or alter the data recorded.</p>	<p>2. Approved fitters or workshops shall seal the tachograph according to the specifications included in the type approval certificate referred to in Article 10, after having verified that it is functioning properly and in particular that no manipulation device can tamper with or alter the data recorded.</p>	<p>2. Approved fitters, [...] workshops or vehicle manufacturers shall seal, according to the specifications included in the type approval certificate referred to in Article 10, the tachograph after having verified that it is functioning properly, and in particular that no manipulation device can tamper with or alter the data recorded.</p>	<p>Package I</p> <p>Council's text acceptable to EP.</p>
Article 17 - paragraph 3			
<p>3. The approved fitter or workshop shall place a special mark on the seals which it affixes and, in addition, for the recording equipment referred to in Annex IB, shall enter the electronic security data for carrying out the authentication checks. The competent authorities of each Member State shall maintain a register of the marks and electronic security data used and of approved workshop and fitter cards issued.</p>		<p>3. The approved fitter, [...] workshop or vehicle manufacturer shall place a special mark on the seals which it affixes and, in addition, for the [...]digital tachographs, shall enter the electronic security data for carrying out the authentication checks. The competent authorities of each Member State shall send to the Commission the register of the marks and electronic security data used [...]as set out in the requirements of Article 3a and necessary information related to the electronic security</p>	<p>Package I and Package III</p> <p>Council's text on Package I acceptable to EP.</p> <p>The reference to Article 3a as part of Package III will be discussed at a later stage.</p>

Commission proposal st13195/11	EP amendments (1st reading)	Council's position st12870/12	Comments
Article 17 - paragraph 4			
<p>4. For the purpose of certifying that the installation of the recording equipment took place in accordance with the requirements of this Regulation, an installation plaque affixed as provided in Annexes I and IB shall be used.</p>		<p>4. For the purpose of certifying that the installation of the [...] tachograph took place in accordance with the requirements of this Regulation, an installation plaque affixed as provided in the requirements of Article 3a shall be used.</p>	<p><u>Package I</u> EP agreed, except the last part which will be examined under package III.</p>
<p><i>5. A seal shall be removed only by the fitters or workshops approved by the competent authorities under paragraph 1 or in the circumstances described in Annex I, Section V, point 4 or in Annex IB, Section V, point 3.</i></p>	<i>deleted</i>	<p>5. A seal shall be removed only by the fitters, [...] workshops or vehicle manufacturers approved by the competent authorities under paragraph 1 or by control officers properly trained, or in other comparable circumstances as referred to in the requirements of Article 3a.</p>	<p><u>Package III</u> See Presidency compromise proposal for amendment 79.</p>

Commission proposal st13195/11	EP amendments (1st reading)	Council's position st12870/12	Comments
	<p style="text-align: center;">Amendment 79</p> <p>Article 1 - Point 1 - Council Regulation (EEC) No 3821/85 - Article 17a (new)</p> <p style="text-align: center;"><i>Article 17a</i></p> <p style="text-align: center;"><i>Sealing</i></p>		<p>Presidency compromise proposal to follow.</p>
	<p><i>1. The following part of the tachograph shall be sealed:</i></p>		
	<p><i>- any connection which, if disconnected, would cause undetectable alterations to be made or undetectable data loss;</i></p>		
	<p><i>- the installation plaque, unless it is attached in such a way that it cannot be removed without the markings thereon being destroyed.</i></p>		
	<p><i>2. A seal may be removed only by the fitters or workshops approved by the competent authorities under Article 17(1) or by certified control officers, or in the circumstances described in this Regulation.</i></p>		
	<p><i>3. On each occasion that these seals are broken a written statement giving the reasons for such action shall be prepared and made available to the competent authority.</i></p>		

Commission proposal st13195/11	EP amendments (1st reading)	Council's position st12870/12	Comments
Recording equipment shall be subject to regular inspection by approved workshops. Regular inspection shall be carried out at least every two years.	Article 18 - paragraph 1	<u>[...]</u> Tachographs shall be subject to regular inspection by approved workshops. Regular inspection shall be carried out at least every two years.	<u>Package II</u> Council's text acceptable to EP.
Article 1 - Point 1 - Council Regulation (EEC) No 3821/85 - Article 18 - paragraph 1a (new)	Amendment 80 <i>These inspections shall include the following minimum checks:</i>		<u>Package II and III</u> Workshops Presidency compromise proposal: <u>"These inspections shall include at least the following checks:</u> - <u>the tachograph is correctly fitted and appropriate for the vehicle;</u> - <u>the tachograph is working properly;</u> - <u>the tachograph carries the type approval mark;</u> - <u>the installation plaque is affixed;</u> - <u>all seals are intact and effective;</u> - <u>there are no manipulation devices attached to the tachograph or traces of usage of such devices;</u>

Commission proposal st13195/11	EP amendments (1st reading)	Council's position st12870/12	Comments
			- <u>the tyre size and the actual circumference of the wheel tyres</u> ".
	<i>(1) that the tachograph is working properly;</i>		
	<i>(2) that the tachograph carries the type approval mark;</i>		
	<i>(3) that the installation mark is affixed;</i>		
	<i>(4) that the seals on the tachograph and on other parts of the installation are intact;</i>		
	<i>(5) that there are no manipulation devices attached to the tachograph.</i>		
Article 18 - paragraph 2			
Workshops shall draw up an inspection report in cases where irregularities in the functioning of the recording equipment had to be remedied, whether as a result of a periodic inspection, or an inspection carried out at the specific request of the national competent authority. Workshops shall keep a list of all inspection reports drawn up.		Workshops shall draw up an inspection report in cases where irregularities in the functioning of the [...] tachograph had to be remedied, whether as a result of a periodic inspection, or an inspection carried out at the specific request of the national competent authority. Workshops shall keep a list of all inspection reports drawn up.	Package II Council's text acceptable to EP.

Commission proposal st13195/11	EP amendments (1st reading)	Council's position st12870/12	Comments
<p>Inspection reports shall be retained by the workshop for a minimum period of two years from the time the report was made. Upon request from the competent authority, workshops shall make available the reports of inspections and calibrations carried out during that period.</p>	<p>Article 18 - paragraph 3</p>	<p>Inspection reports shall be retained by the workshop for a minimum period of two years from the time the report was made or shall be sent by the workshop to the competent authority. In cases where the inspection reports are kept by the workshop, upon request from the competent authority, the workshop shall make available the reports of inspections and calibrations carried out during that period.</p>	<p>Package II</p> <p><u>Presidency compromise proposal acceptable to EP:</u></p> <p>"Inspection reports shall be retained by the workshop for a minimum period of two years from the time the report was made. Member States shall decide whether inspection reports shall be retained [...] or sent to the competent authority during that period. In cases where the inspection reports are kept by the workshop, upon request from the competent authority, the workshop shall make available the reports of inspections and calibrations carried out during that period.</p>
<p>1. The Member States shall approve, regularly control and certify the fitters and workshops which may carry out installations, checks, inspections and repairs of the recording equipment.</p>	<p>Article 19 - paragraph 1</p>	<p>The Member States shall approve, regularly control and certify the fitters, workshops and vehicle manufacturers which may carry out installations, checks, inspections and repairs of the [...] tachograph.</p>	<p>Package II</p> <p>Council's text acceptable to EP.</p>

Commission proposal st13195/11	EP amendments (1st reading)	Council's position st12870/12	Comments
Article 19 - paragraph 2			
<p>2. Member States shall ensure that fitters and workshops are competent and reliable. For that purpose, they shall establish and publish a set of clear national procedures and shall ensure that the following minimum criteria are met:</p>		<p>Member States shall ensure that fitters, [...] workshops and vehicle manufacturers are competent and reliable. For that purpose, they shall establish and publish a set of clear national procedures and shall ensure that the following minimum criteria are met:</p>	<p>Package II Council's text acceptable to EP.</p>
(a) the staff are properly trained;		(a) the staff are properly trained;	
(b) the equipment necessary to carry out the relevant tests and tasks is available;		(b) the equipment necessary to carry out the relevant tests and tasks is available;	
(c) the fitters and workshops are of good repute.		(c) the fitters and workshops are of good repute.	

Commission proposal st13195/11	EP amendments (1st reading)	Council's position st12870/12	Comments
Article 19 - paragraph 3 - point (a)			
3. Audits of approved fitters or workshops shall be carried out as follows: (a) Approved fitters or workshops shall be subject to a yearly audit of the procedures applied by the workshop when handling the recording equipment. The audit shall focus in particular on the security measures taken and the handling of workshop cards.		3. Audits of approved fitters or workshops shall be carried out as follows: (a) Approved fitters or workshops shall be subject to an audit at least every two years of the procedures applied by the workshop when handling the tachograph. The audit shall focus in particular on the security measures taken and the handling of workshop cards. Member States may carry out these audits without physical presence in the workshop.	Package II Council's text acceptable to EP.
Amendment 81			
Article 1 - Point 1 - Council Regulation (EEC) No 3821/85 - Article 19 - paragraph 3 - point (b)			
(b) Unannounced technical audits of approved fitters or workshops shall also take place in order to control the calibrations and installations carried out. These controls shall cover at least 10 % of the approved workshops per year.	(b) Unannounced technical audits of approved fitters or workshops shall also take place in order to control the calibrations and installations carried out. These controls shall cover at least 20 % of the approved workshops per year.	(b) Unannounced technical audits of approved fitters or workshops shall also take place in order to control the calibrations, inspections and installations carried out. These controls shall cover at least 10% of the approved workshops per year.	EP links this AM to AM 83. The latter AM is acceptable but EP suggests redrafting the last sentence: "These controls shall cover at least 15% of the approved workshops per year." Member States cannot accept the reference in the EP compromise proposal of 15 %.

Commission proposal st13195/11	EP amendments (1st reading)	Council's position st12870/12	Comments
Amendment 82 Article 1 - Point 1 - Council Regulation (EEC) No 3821/85 - Article 19 - paragraph 4			
<p>4. Member States shall take appropriate measures to prevent conflicts of interests between fitters or workshops and road transport undertakings. In particular, <i>if a transport undertaking is also operating as an approved fitter or workshop, it shall not be allowed to install and calibrate recording equipment in its own vehicles.</i></p>	<p>4. Member States <i>and their competent authorities</i> shall take appropriate measures to prevent conflicts of interests between fitters or workshops and road transport undertakings. In particular, <i>in the event of a serious risk of conflict of interest, additional specific measures shall be taken to ensure that the fitter or the workshop complies with this Regulation.</i></p>	<p>4. Member States <u>and their competent authorities</u> shall take appropriate measures to prevent conflicts of interests between fitters or workshops and road transport undertakings. In particular, <u>[...] in case of serious risk of conflict of interest, additional specific measures shall be taken to ensure that the fitter or the workshop complies with this Regulation.</u></p>	<p><u>Package II</u> Council's text acceptable to EP.</p>
Article 19 - paragraph 5			
<p>5. The competent authorities of the Member States shall forward to the Commission the lists of approved fitters and workshops and the cards issued to them, as well as copies of the marks and of the necessary information relating to the electronic security data used. The Commission shall publish the lists of approved fitters and workshops on its website.</p>		<p>5. The competent authorities of the Member States shall forward, <u>if possible electronically</u>, to the Commission, <u>on an annual basis</u>, the lists of approved fitters and workshops and the cards issued to them [...]. The Commission shall publish the lists of approved fitters and workshops on its website.</p>	<p><u>Package II</u> Council's text acceptable to EP.</p>

Commission proposal st13195/11	EP amendments (1st reading)	Council's position st12870/12	Comments
6. Member States shall withdraw approval, either temporarily or permanently, from fitters and workshops failing to meet their obligations under this Regulation.	Article 19 - paragraph 6	6. The competent authorities in Member States shall withdraw approval, either temporarily or permanently, from fitters and workshops failing to meet their obligations under this Regulation.	Package II Council's text acceptable to EP.
Article 1 - Point 1 - Council Regulation (EEC) No 3821/85 - Article 19 - paragraph 6a (new)	Amendment 152 <i>6a. Member States shall monitor and prosecute the increasing offer of fraudulent installation and the installation of manipulation devices for recording equipment on the internet. Member States shall inform the Commission of their activities in this regard; the Commission shall then make the information available to all other EU control authorities in order to make the newest practises in fraudulent installation and manipulation known to all of them.</i>		Package II EP suggests putting this amendment in a recital. <u>Presidency compromise proposal for a new recital acceptable to EP:</u> <u>"Member States should inform the Commission about any findings they make regarding the offer of fraudulent devices or installations to manipulate the tachograph, including on the internet, and the Commission should inform all other Member States"</u> .

Commission proposal st13195/11	EP amendments (1st reading)	Council's position st12870/12	Comments
Amendment 83			
Article 1 - Point 1 - Council Regulation (EEC) No 3821/85 - Article 20 - paragraph 1			
<p>1. The period of administrative validity of workshop cards shall not exceed one year.</p>	<p>1. The period of administrative validity of workshop cards shall not exceed one year. <i>When renewing the workshop card, the competent authority shall ensure that the criteria listed in Article 19(2), are met by the fitter or workshop.</i></p>	<p>1. The period of validity of workshop cards shall not exceed one year. When renewing the workshop card, the competent authority shall ensure that the criteria listed in Article 19, paragraph 2, are met by the fitter, workshop or vehicle manufacturer.</p>	<p>Package II</p> <p>Council's text acceptable to EP.</p>
Article 20 - paragraph 2			
<p>2. If a workshop card is to be extended, is damaged, malfunctioned, is lost or stolen, the authority shall supply a replacement card within five working days of receiving a detailed request to that effect. The authority issuing the card shall maintain a register of lost, stolen or defective cards.</p>		<p>2. The competent authority shall renew a workshop card within fifteen working days after receiving a renewal request. If a workshop card [...] is damaged, malfunctioned, is lost or stolen, the authority shall supply a replacement card within five working days of receiving a detailed request to that effect. The authority issuing the card shall maintain a register of lost, stolen or defective cards.</p>	<p>Package II</p> <p>Presidency compromise proposal acceptable to EP: "The competent authority shall renew a workshop card within fifteen working days after receiving a valid renewal request and all the necessary documentation being received by the competent authority."</p> <p>Linked to Council text in Art. 21.</p>

Commission proposal st13195/11	EP amendments (1st reading)	Council's position st12870/12	Comments
<p>Article 1 - Point 1 - Council Regulation (EEC) No 3821/85 - Article 21 - paragraph 1</p> <p>1. The driver card shall be issued, at the request of the driver by the competent authority of the Member State where the driver has his normal residence. It shall be issued within one month of the request being received by the competent authority.</p>	<p>Amendment 84</p> <p>1. The driver card shall be issued, at the request of the driver by the competent authority of the Member State where the driver has his normal residence. It shall be issued within 15 days of the request being received by the competent authority.</p>	<p>Amendment 132</p> <p>1. The driver card shall be issued, at the request of the driver by the competent authority of the Member State where the driver has his normal residence. It shall be issued within one month of the request and all the necessary documentation being received by the competent authority.</p>	<p>Amendment 84</p> <p>Package I</p> <p>Council's text acceptable to EP.</p>
<p>Article 1 - Point 1 - Council Regulation (EEC) No 3821/85 - Article 21 - paragraph 1</p> <p><i>3a. Without prejudice to their place of habitual residence and in order to ensure fair competition in international road transport, the individual employment contract of international drivers shall be governed by the law of the country in which, or alternately, from which, in the light of all the factors which characterise his activities, the driver carries out, on a regular basis, the greater part of his obligation towards his employer, in performance of his contract.</i></p>	<p>Amendment 132</p> <p><i>3a. Without prejudice to their place of habitual residence and in order to ensure fair competition in international road transport, the individual employment contract of international drivers shall be governed by the law of the country in which, or alternately, from which, in the light of all the factors which characterise his activities, the driver carries out, on a regular basis, the greater part of his obligation towards his employer, in performance of his contract.</i></p>	<p>Amendment 132</p> <p>Package IV</p> <p><u>3a. In duly justified cases, Member States may issue a temporary and non renewable driver card valid for a maximum period of 185 days to a driver who does not have his normal residence in a Member State or in a State which is Contracting Party to the European Agreement concerning the Work of Crews of Vehicles engaged in International Road Transport, provided that such driver presents a labour law relationship with an undertaking established in the</u></p>	<p>Amendment 132</p> <p>Package IV</p> <p>EP is considering clarifications provided by the Presidency and the Commission – EP to confirm position.</p>

Commission proposal st13195/11	EP amendments (1st reading)	Council's position st12870/12	Comments
		<u>issuing Member State and insofar as Regulation 1072/2009 applies a driver attestation as referred to in that Regulation.</u>	
Article 21 - paragraph 4			
4. The competent authorities of the issuing Member State shall take appropriate measures to ensure that an applicant does not already hold a valid driver card and shall personalise the driver card in accordance with the provisions of Annex IB.		4. The competent authorities of the issuing Member State shall take appropriate measures to ensure that an applicant does not already hold a valid driver card and shall personalise the driver card in accordance with <u>[...] the requirements of Article 3a.</u>	<u>Package I</u> Council's text acceptable to EP. However, reference to Article 3a to be discussed (<u>Package III</u>).
Article 21 - paragraph 5			
5. For administrative purposes, the driver card shall not be valid for more than five years.		5. <u>[...]</u> The driver card shall not be valid for more than five years.	<u>Package I</u> Council's text acceptable to EP.

Commission proposal st13195/11	EP amendments (1st reading)	Council's position st12870/12	Comments
<p>Article 1 - Point 1 - Council Regulation (EEC) No 3821/85 - Article 21 - paragraph 6</p> <p>6. A valid driver card shall not be withdrawn or suspended unless the competent authorities of a Member State find that the card has been falsified, or the driver is using a card of which he is not the holder, or the card held has been obtained on the basis of false declarations and/or forged documents. If such suspension or withdrawal measures are taken by a Member State other than the issuing Member State, the former shall return the card to the authorities of the Member State which issued it, <i>as soon as possible</i>, indicating the reasons for <i>returning it</i>.</p>	<p>Amendment 85</p> <p>6. A valid driver card shall not be withdrawn or suspended unless the competent authorities of a Member State find that the card has been falsified, or the driver is using a card of which he is not the holder, or the card held has been obtained on the basis of false declarations and/or forged documents. If such suspension or withdrawal measures are taken by a Member State other than the issuing Member State, the former shall return the card to the authorities of the Member State which issued it, <i>as soon as possible</i>, indicating the reasons for <i>withdrawal or suspension</i>.</p>	<p>Package I</p> <p>6. A valid driver card shall not be withdrawn or suspended unless the competent authorities of a Member State find that the card has been falsified, or the driver is using a card of which he is not the holder, or the card held has been obtained on the basis of false declarations and/or forged documents. If such suspension or withdrawal measures are taken by a Member State other than the issuing Member State, the former shall return the card to the authorities of the Member State which issued it, <u>as soon as possible</u>, indicating the reasons for <u>[...] withdrawal or suspension. If the return of the card is expected to take longer than two weeks, the suspending or withdrawing Member State shall inform the issuing Member State within those two weeks of the reasons for suspension or withdrawal.</u></p>	<p>Council's text acceptable to EP.</p>

Commission proposal st13195/11	EP amendments (1st reading)	Council's position st12870/12	Comments
7. Driver cards shall be issued only to applicants who are subject to the provisions of Regulation (EC) No 561/2006.	Article 21 - paragraph 7	<u>Deleted</u>	<u>Package I</u> EP is considering clarifications provided by the Presidency and the position of the Commission – EP to confirm position.
8. Member States shall take all necessary measures to prevent driver cards from being falsified.	Article 21 - paragraph 8	<u>7.</u> Member States shall take all necessary measures to prevent driver cards from being falsified.	<u>Package I</u> Council's text acceptable to EP.
	Article 21 - paragraph 7a (new)	<u>7a. This Article shall not prevent a Member State from issuing a driver card to a driver who has his normal residence in a part of that Member State's territory, to which the TEU and TFEU do not apply.</u>	<u>Package IV</u> EP is considering clarifications provided by the Presidency and position of the Commission – EP to confirm position. <i>[This provision is important for DK as it allows Denmark to issue a driver card to persons residing in Greenland or in the Faroe Islands, which are Danish territories where the Treaties do not apply. Linked to recital 11c which calls for provisions of the regulation to be fully applied in these territories.]</i>

Commission proposal st13195/11	EP amendments (1st reading)	Council's position st12870/12	Comments
1. The issuing authority shall keep records of issued, stolen, lost or defective driver cards for a period at least equivalent to their period of administrative validity.	Article 24 - paragraph 1	1. The issuing authority shall keep records of issued, stolen, lost or defective driver cards for a period at least equivalent to their period of [...] validity.	Package I Council's text acceptable to EP.
2. If a driver card is damaged or if it malfunctions, the driver shall return it to the competent authority of the Member of normal residence. Theft of the driver card must be formally declared to the competent authorities of the State where the theft occurred.	Article 24 - paragraph 2	2. If a driver card is damaged or if it malfunctions, the driver shall return it to the competent authority of the Member State of normal residence. Theft of the driver card must be formally declared to the competent authorities of the State where the theft occurred.	Package I Council's text acceptable to EP.
4. If the driver card is damaged, malfunctions or is lost or stolen, the driver shall within seven calendar days apply for its replacement to the competent authorities of the Member of normal residence. These authorities shall supply a replacement card within five working days after receiving a detailed request to that effect.	Article 24 - paragraph 4	4. If the driver card is damaged, malfunctions or is lost or stolen, the driver shall within seven calendar days apply for its replacement to the competent authorities of the Member of normal residence. These authorities shall supply a replacement card within eight working days after receiving a detailed request to that effect.	Package I Council's text acceptable to EP.

Commission proposal st13195/11	EP amendments (1st reading)	Council's position st12870/12	Comments
Article 26 - paragraph 1			
<p>1. In order to ensure that an applicant does not already hold a valid driver card as referred to in Article 21(4), Member States shall maintain national electronic registers containing the following information on driver cards for a period at least equivalent to their period of administrative validity:</p>		<p>1. In order to ensure that an applicant does not already hold a valid driver card as referred to in Article 21(4), Member States shall maintain national electronic registers containing the following information on driver cards <u>including on those referred to in Article 21, paragraph 3a</u>, for a period at least equivalent to their period of [...] validity:</p>	<p><u>Package IV</u> EP is considering clarifications provided by Commission and Presidency – EP to confirm position.</p>
<p>- Surname and first name of the driver</p>		<p>- Surname and first name of the driver</p>	
<p>- Birth date and place of birth of the driver</p>		<p>- Birth date and, <u>if available</u>, place of birth of the driver</p>	<p><u>Package IV</u> Council's text acceptable to EP.</p>

Commission proposal st13195/11	EP amendments (1st reading)	Council's position st12870/12	Comments
Amendment 86			
Article 1 - Point 1 and country of issue of the driving licence (if applicable)	Article 1 - Point 1 - Council Regulation (EEC) No 3821/85 - Article 26 - paragraph 1 - third indent - <i>Valid</i> driving licence number and country of issue of the driving licence (if applicable)	Article 26 - paragraph 1 - third indent Package I	Council's text acceptable to EP.
- Driving licence number and country of issue of the driving licence (if applicable)	- <i>Valid</i> driving licence number and country of issue of the driving licence (if applicable)	- Valid driving licence number and country of issue of the driving licence (if applicable)	Council's text acceptable to EP.
Amendment 87			
- Status of the driver card	Article 26 - paragraph 1 - fourth and fifth (new) indents - Status of the driver card	- Status of the driver card	
		- Driver card number	
Amendment 87			
2. The Commission and the Member States shall take all necessary measures to ensure that the electronic registers are interconnected and accessible throughout the Union.	Article 1 - Point 1 - Council Regulation (EEC) No 3821/85 - Article 26 - paragraph 2 2. The Commission and the Member States shall take all necessary measures to ensure that the electronic registers are interconnected and accessible throughout the Union, <i>using the TACHOnet Messaging System or a compatible system.</i>	2. The Commission and the Member States shall take all necessary measures to ensure that the electronic registers are interconnected and accessible throughout the Union, using the TACHOnet Messaging System or a compatible system, as long as the exchange of electronic data is possible with all other Member States through the TACHOnet Messaging System.	Package I EP shares the Council approach but considers the Council text is not very clear. <u>Presidency compromise proposal acceptable to EP:</u> "2. The Commission and the Member States shall take all necessary measures to ensure that the electronic registers are interconnected and accessible throughout the Union, using the TACHOnet Messaging System or a compatible system. In the case of the use of a compatible system, as long as provided that the exchange of electronic data shall be possible with all other

Commission proposal st13195/11	EP amendments (1st reading)	Council's position st12870/12	Comments
	Article 26 - paragraph 3		Member States through the TACHOnet Messaging System."
3. Whenever issuing, renewing or replacing a driver card, Member States shall verify through electronic data exchange that the driver does not already hold another valid driver card. The data exchanged shall be limited to the purpose of this verification.		3. [...] When issuing, replacing and, when necessary, renewing a driver card, Member States shall verify through electronic data exchange that the driver does not already hold another valid driver card. The data exchanged shall be limited to the data necessary for the purpose of this verification.	Package I Council's text acceptable to EP.
Amendment 88			
4. Control officers <i>may</i> have access to the electronic register in order to control the status of a driver card.	4. Control officers shall have access to the electronic register in order to control the status of a driver card.	4. Control officers may have access to the electronic register in order to control the status of a driver card.	Package II EP, supported by the Commission, keeps its text. Presidency proposes to maintain Council position.

Commission proposal st13195/11	EP amendments (1st reading)	Council's position st12870/12	Comments
Amendment 89 Article 1 - Point 1 - Council Regulation (EEC) No 3821/85 - Article 27			
<p>Driver cards shall be issued in accordance with the provisions of this Chapter <i>until 18 January 2018. With effect from 19 January 2018, driver cards shall be incorporated into driving licences and issued, renewed, exchanged and replaced in accordance with the provisions of Directive 2006/126/EC.</i></p>	<p>Driver cards shall be issued in accordance with the provisions of this Chapter.</p> <p><i>Within 24 months of ... , the Commission is to carry out an Impact Assessment on the feasibility and merits of merging all of the cards used by professional drivers, in particular the driver card with the driver licence, in order to reduce the amount of card fraud currently taking place. The Commission shall examine in particular all the technical solutions available, card compatibility problems and data protection related issues. The Commission shall communicate its findings to the European Parliament within 30 months of ...</i></p> <p><i>* OJ: please insert date of entry into force of this Regulation.</i></p>	<p>Deleted</p>	<p>Package I</p> <p>Council cannot accept any reference to merge the driver card and driving licence, not even in a recital. Issue to be discussed later.</p>

Commission proposal st13195/11	EP amendments (1st reading)	Council's position st12870/12	Comments
Amendment 90			
Article 1 - Point 1 - Council Regulation (EEC) No 3821/85 - Article 28 - paragraph 1 1. The transport undertaking, the vehicle owner and the drivers shall ensure the correct functioning and proper use of the <i>recording equipment</i> and the driver card where a driver is required to drive a vehicle fitted with <i>the recording equipment referred to in Annex IB</i> .	Article 1 - Point 1 - Council Regulation (EEC) No 3821/85 - Article 28 - paragraph 1 1. The transport undertaking, the vehicle owner and the drivers shall ensure the correct functioning and proper use of the <i>tachograph</i> and the driver card where the driver is required to drive a vehicle fitted with a <i>digital tachograph</i> . <i>Whenever an analogue tachograph is used the driver shall ensure its correct functioning and the proper use of the record sheet.</i>	1. The transport undertaking [...] and the drivers shall ensure the correct functioning and proper use of the [...] <u>digital tachograph</u> and the driver card. [...] <u>Whenever an analogue tachograph is used the transport undertaking and the driver shall ensure its correct functioning and the proper use of the record sheet.</u>	<u>Package I</u> EP agreed with the Council text.
Amendment 91			
Article 1 - Point 1 - Council Regulation (EEC) No 3821/85 - Article 28 - paragraph 1a <i>1a. The digital tachograph shall not be set in a way that it automatically switches to a specific indication when the vehicle's engine or ignition is switched off. The driver shall be able to choose manually a category, depending on his activity or rest after the switch off.</i>	<i>1a. The digital tachograph shall not be set in a way that it automatically switches to a specific indication when the vehicle's engine or ignition is switched off. The driver shall be able to choose manually a category, depending on his activity or rest after the switch off.</i>	<u>Package I</u>	EP keeps its text ("need to ensure that drivers can manually register all its activities and that tachograph producers do not dictate all available functions") but open to redrafting. <u>Presidency compromise proposal:</u> <u>"The digital tachograph shall not be set in such a way that it automatically switches to a</u>

Commission proposal st13195/11	EP amendments (1st reading)	Council's position st12870/12	Comments
			<p><u>specific category of activity when the vehicle's engine or ignition is switched off, unless the driver remains able to choose manually the appropriate category of activity".</u></p>
Article 28 - paragraph 2			
<p>2. It shall be forbidden to falsify, conceal, suppress or destroy data recorded on the recording equipment or on the driver card, or print-outs from the recording equipment referred to in Annex IB. Any manipulation of the recording equipment, record sheet or driver card which could result in data and/or printed information being falsified, suppressed or destroyed shall also be prohibited. No device which could be used to this effect shall be present on the vehicle.</p>		<p>2. It shall be forbidden to falsify, conceal, suppress or destroy data recorded on the record sheet, stored in the [...] <u>tachograph</u> or on the driver card, or print-outs from the [...] <u>tachograph</u>. Any manipulation of the [...] <u>tachograph</u>, record sheet or driver card which could result in data and/or printed information being falsified, suppressed or destroyed shall also be prohibited. No device which could be used to this effect shall be present on the vehicle.</p>	<p>Package I</p> <p>Council's text acceptable to EP.</p>

Commission proposal st13195/11	EP amendments (1st reading)	Council's position st12870/12	Comments
3. Vehicles shall not be fitted with more than one set of recording equipment except for the purposes of the field tests referred to in Article 16.	Article 28 - paragraph 3	3. Vehicles shall not be fitted with more than one [...] tachograph except for the purposes of the field tests referred to in Article 16.	Package I Council's text acceptable to EP.
4. Member States shall forbid the production, distribution, advertising and/or selling of devices constructed and/or intended for the manipulation of recording equipment.	Article 28 - paragraph 4	4. Member States shall forbid the production, distribution, advertising and/or selling of devices constructed and/or intended for the manipulation of [...] tachographs .	Package I Council's text acceptable to EP.
	Article 1 - Point 1 - Council Regulation (EEC) No 3821/85 - Article 28 - paragraph 4a (new) <i>4a. Member States shall monitor and prosecute the increasing offer of fraudulent installation and the installation of manipulation devices for recording equipment on the internet.</i>		Package I Covered by amendment 152 (and in the form of a recital, see Presidency compromise proposal). EP accepts to delete this amendment.

Commission proposal st13195/11	EP amendments (1st reading)	Council's position st12870/12	Comments
Article 1 - Point 1 - Council Regulation (EEC) No 3821/85 - Article 29 - paragraph -1 (new)	Amendment 92		
	<i>-1. The transport undertaking shall:</i>		
	<i>(1) give to drivers it employs or who are at its disposal the necessary training and instructions as regards the correct functioning of tachographs;</i>		EP to check with its legal service whether it is fully covered by Council text on Article 29 (2a).
	<i>(2) make regular checks to ensure that the drivers it employs or who are at its disposal make correct use of tachographs and;</i>		
	<i>(3) not give to drivers it employs or who are at its disposal any direct or indirect incentives that could encourage the misuse of the recording equipment.</i>		

Commission proposal st13195/11	EP amendments (1st reading)	Council's position st12870/12	Comments
<p>The transport undertaking shall issue a sufficient number of record sheets to drivers of vehicles fitted with the recording equipment referred to in Annex I taking into account the fact that these sheets are personal in character, the length of the period of service and the possible need to replace sheets which are damaged, or have been taken by an authorised inspecting officer. The transport undertaking shall issue to drivers only record sheets of an approved model suitable for use in the equipment installed in the vehicle.</p>	<p>Article 29 - paragraph 1</p>	<p>The transport undertaking shall issue a sufficient number of record sheets to drivers of vehicles fitted with [...] an analogue tachograph taking into account the fact that these sheets are personal in character, the length of the period of service and the possible need to replace sheets which are damaged, or have been taken by an authorised inspecting officer. The transport undertaking shall issue to drivers only record sheets of an approved model suitable for use in the equipment installed in the vehicle.</p>	<p>Package I Council's text acceptable to EP.</p>
<p>Where the vehicle is fitted with the recording equipment referred to in Annex IB the transport undertaking and the driver shall ensure that, taking into account the length of the period of service, the printing on request referred to in Annex IB can be carried out correctly in the event of an inspection.</p>		<p>Where the vehicle is fitted with a [...] digital tachograph the transport undertaking and the driver shall ensure that, taking into account the length of the period of service, the printing on request referred to in [...] the requirements of Article 3a can be carried out correctly in the event of an inspection.</p>	<p>EP: agreed, except reference to Article 3a (Package III).</p>

Commission proposal st13195/11	EP amendments (1st reading)	Council's position st12870/12	Comments
	<p>Article 29 - paragraph 2a (new)</p> <p><u>2a. The transport undertaking shall give the necessary instructions to its drivers as regards the correct functioning of the recording equipment, shall make regular checks to ensure that its drivers make a correct use of the recording equipment and shall not give to its drivers any direct or indirect incentives that could encourage the misuse of the recording equipment.</u></p>	<p><u>Package I</u></p> <p>Council could accept the EP compromise below including to place it at the beginning of Art. 29.</p> <p><u>EP compromise proposal acceptable to the Council:</u></p> <p>"2a. The transport undertaking shall give the necessary instructions to its drivers as regards the correct functioning of the recording equipment tachograph, shall make regular checks to ensure that its drivers make a correct use of the recording equipment and shall not give to its drivers any direct or indirect incentives that could encourage the misuse of the recording equipment."</p>	

Commission proposal st13195/11	EP amendments (1st reading)	Council's position st12870/12	Comments
<p>Article 1 - Point 1 - Council Regulation (EEC) No 3821/85 - Article 29 - paragraph 3</p> <p>3. A transport undertaking shall be liable for infringements against this Regulation committed by drivers of the undertaking. <i>Without prejudice to the right of</i> Member States <i>to</i> hold transport undertakings fully liable, Member States may consider any evidence that the transport undertaking cannot reasonably be held responsible for the infringement committed.</p>	<p>Amendments 92+124+133</p> <p>3. A transport undertaking shall be liable for infringements against this Regulation committed by drivers of the undertaking <i>or by those at its disposal. Whilst</i> Member States <i>can</i> hold transport undertakings fully liable, <i>in doing so</i> Member States may <i>nonetheless</i> consider any evidence that <i>demonstrates that</i> the transport undertaking cannot reasonably be held responsible for the infringement committed.</p> <p><i>Controlling authorities shall make regular checks in accordance with Article 10(4) of Regulation (EC) No 561/2006.</i></p>	<p>3. A transport undertaking shall be liable for infringements against this Regulation committed by drivers of the undertaking. <u>[...]</u> <u>However,</u> Member States may <u>[...] make this liability conditional on the undertaking's infringement of paragraph 2a of this Article and Article 10(1) and (2) of Regulation 561/2006.</u></p>	<p><u>Package I</u></p> <p><u>Transport company liability</u> EP keeps its text; open to redrafting, but underlines the need to keep references to: - drivers at the disposal of the undertaking; <u>Presidency compromise proposal acceptable to EP:</u> "3. A transport undertaking shall be liable for infringements against this Regulation committed by drivers of the undertaking <u>or by those at its disposal.</u> However, Member States may make this liability conditional on the undertaking's infringement of paragraph 2a of this Article and Article 10(1) and (2) of Regulation 561/2006."</p>

Commission proposal st13195/11	EP amendments (1st reading)	Council's position st12870/12	Comments
Amendments 95			
Article 1 - Point 1 - Council Regulation (EEC) No 3821/85 - Article 30 - paragraph 3 - subparagraph 2 For control purposes, periods of time for which no activity has been recorded shall be regarded as rest or break. <i>Drivers are not obliged to record daily and weekly rest periods when having been away from the vehicle.</i>	For control purposes, periods of time for which no activity has been recorded shall be regarded as rest or break. <i>Member States shall not impose a requirement on drivers to present forms attesting to their activities while being away from the vehicle.</i>	Package I Council's text acceptable to EP.	
Amendments 96			
Article 1 - Point 1 - Council Regulation (EEC) No 3821/85 - Article 30 - paragraph 7 - subparagraph 1 7. The driver shall enter in the <i>recording equipment referred to in Annex IB</i> the symbols of the countries in which the daily <i>work</i> period was started and finished. However, a Member State may require drivers of vehicles engaged in transport operations inside its territory to add more detailed geographic specifications to the country symbol provided that the Member State notified them to the Commission before 1 April 1998.	7. The driver shall enter in the <i>digital tachograph</i> the symbols of the countries in which the daily <i>working</i> period was started and finished. However, a Member State may require drivers of vehicles engaged in transport operations inside its territory to add more detailed geographic specifications to the country symbol provided that the Member State notified them to the Commission before 1 April 1998.	7. The driver shall enter in the Package I Council's text acceptable to EP.	

Commission proposal st13195/11	EP amendments (1st reading)	Council's position st12870/12	Comments
<p>It shall not be necessary for drivers to enter this information if the recording equipment is automatically recording location data in accordance with Article 4.</p>	<p>Article 30 - paragraph 7 - subparagraph 2</p>	<p>It shall not be necessary for drivers to enter this information if the [...] tachograph is automatically recording location data in accordance with Article 4.</p>	<p>Package I Council's text acceptable to EP.</p>
<p>(b) at the end of the journey, print out the information relating to periods of time recorded by the recording equipment, record any periods of other work, availability and rest undertaken since the printout that was made at the start of the journey, where not recorded by the recording equipment, and mark on that document details that enable the driver to be identified (name, driver card or driver's licence number), including the driver's signature.</p>	<p>Article 31 - paragraph 2 - point (b)</p>	<p>(b) at the end of the journey, print out the information relating to periods of time recorded by the [...] tachograph, record any periods of other work, availability and rest undertaken since the printout that was made at the start of the journey, where not recorded by the tachograph, and mark on that document details that enable the driver to be identified (name, driver card or driver's licence number), including the driver's signature.</p>	<p>Package I Council's text acceptable to EP.</p>

Commission proposal st13195/11	EP amendments (1st reading)	Council's position st12870/12	Comments
1. Where the driver drives a vehicle fitted with the recording equipment referred to in Annex I, the driver shall be able to produce, whenever an inspecting officer so requests:	Article 32 - paragraph 1	1. Where the driver drives a vehicle fitted with [...] an analogue tachograph , the driver shall be able to produce, whenever an inspecting officer so requests:	Package I Council's text acceptable to EP.
2. Where the driver drives a vehicle fitted with the recording equipment referred to in Annex IB, he shall be able to produce, whenever an inspecting officer so requests:	Article 32 - paragraph 2	2. Where the driver drives a vehicle fitted with [...] a digital tachograph , he shall be able to produce, whenever an inspecting officer so requests:	Package I Council's text acceptable to EP.
(iii) the record sheets corresponding to the same period as the one referred to in point (ii) during which he drove a vehicle fitted with the recording equipment referred to in Annex I.	Article 32 - paragraph 2 - point (iii)	(iii) the record sheets corresponding to the same period as the one referred to in point (ii) during which he drove a vehicle fitted with [...] an analogue tachograph .	Package I EP agreed with the Council's text.

Commission proposal st13195/11	EP amendments (1st reading)	Council's position st12870/12	Comments
Amendment 97			
Article 1 - Point 1 - Council Regulation (EEC) No 3821/85 - paragraph 3 3. <i>An authorised</i> inspecting officer may check compliance with Regulation (EC) No 561/2006 by analysis of the displayed <i>or</i> record sheets, of the displayed <i>or</i> printed data which have been recorded by the <i>recording equipment</i> or by the driver card or, failing this, by analysis of any other supporting document that justifies non-compliance with a provision, such as those laid down in Articles 24(2) and 33(2) of this Regulation.	Article 1 - Point 1 - Council Regulation (EEC) No 3821/85 - paragraph 3 3. <i>A certified</i> inspecting officer may check compliance with Regulation (EC) No 561/2006 by analysis of the record sheets, of the displayed, printed <i>or downloaded</i> data which have been recorded by the <i>tachograph</i> or by the driver card or, failing this, by analysis of any other supporting document that justifies non-compliance with a provision, such as those laid down in Articles 24(2) and 33(2) of this Regulation.	3. An authorised inspecting officer may check compliance with Regulation (EC) No 561/2006 by analysis of the record sheets, of the displayed, printed or downloaded data which have been recorded by the [...] tachograph or by the driver card or, failing this, by analysis of any other supporting document that justifies non-compliance with a provision, such as those laid down in Articles 24(2) and 33(2) of this Regulation.	Package II The Council cannot accept any certification system for inspecting officers and therefore sticks to the Council position.
Amendment 98			
Article 1 - Point 1 - Council Regulation (EEC) No 3821/85 - paragraph 3a (new) <i>3a. The Commission is to carry out a study of enforcement regimes in all the Member States, within 18 months of the first Enforcement Officer Certificates being awarded, to establish how many certified officers there are in each Member State. Thereafter, Member States must report to the Commission on an annual basis, detailing the training received by officers, and</i>	Article 1 - Point 1 - Council Regulation (EEC) No 3821/85 - paragraph 3a (new) Package II EP: proposes to delete reference to the study and to keep the obligation to inform EC every two years. The Council cannot accept any certification system for inspecting officers and therefore sticks to the Council position.		

Commission proposal st13195/11	EP amendments (1st reading)	Council's position st12870/12	Comments
	<i>the numbers of active Enforcement Officers who have obtained the European Certificate.</i>		
Article 33 - paragraph 1 - subparagraph 1			
1. In the event of breakdown or faulty operation of the recording equipment, the transport undertaking shall have it repaired by an approved fitter or workshop, as soon as circumstances permit.		1. In the event of breakdown or faulty operation of the [...] tachograph , the transport undertaking shall have it repaired by an approved fitter or workshop, as soon as circumstances permit.	Package II Council's text acceptable to EP.
Article 33 - paragraph 2			
If the vehicle is unable to return to the premises within a period of one week calculated from the day of the breakdown or of the discovery of defective operation, the repair shall be carried out <i>en route</i> .		If the vehicle is unable to return to the premises within a period of one week calculated from the day of the breakdown or of the discovery of defective operation, the repair shall be carried out <i>en route</i> .	Package II Council's text acceptable to EP.

Commission proposal st13195/11	EP amendments (1st reading)	Council's position st12870/12	Comments
<p>Article 1 - Point 1 - Council Regulation (EEC) No 3821/85 - Article 33 - paragraph 1 - subparagraph 3</p> <p>Measures taken by Member States pursuant to Article 37 <i>may give the competent authorities power to prohibit the use of the vehicle in cases where breakdown or faulty operation has not been remedied as provided in the first and the second subparagraphs.</i></p>	<p>Amendment 99</p> <p>Measures taken by Member States pursuant to Article 37 <i>shall include the power of the competent authorities to prohibit the use of the vehicle in cases where breakdown or faulty operation has not been remedied as provided in the first and the second subparagraphs.</i></p>	<p>Measures taken by Member States pursuant to Article 37 may give the competent authorities power to prohibit the use of the vehicle in cases where breakdown or faulty operation has not been remedied as provided in the first and the second subparagraphs.</p>	<p>EP keeps its text.</p> <p><u>Presidency compromise proposal acceptable to EP:</u></p> <p>"Measures taken by Member States pursuant to Article 37 may shall give the competent authorities power to prohibit the use of the vehicle in cases where breakdown or faulty operation has not been remedied as provided in the first and the second subparagraphs in accordance with national legislation in the Member States."</p>
<p>Article 1 - Point 1 - Council Regulation (EEC) No 3821/85 - Article 33 - paragraph 1 - subparagraph 3a (new)</p>	<p>Amendment 100</p> <p><i>. In this respect the Commission will check that national and foreign vehicles are treated in the same way in order to prevent discrimination.</i></p>	<p>Package II</p>	<p>EP will redraft its proposal and transform it into a recital.</p>

Commission proposal st13195/11	EP amendments (1st reading)	Council's position st12870/12	Comments
<p>2. While the recording equipment is unserviceable or malfunctioning, drivers shall mark data enabling identification of the driver (name, driver card or driving licence number), including a signature, as well as the information for the various periods of time which are no longer recorded or printed out correctly by the recording equipment:</p>	<p>Article 33 - paragraph 2</p>	<p>2. While the [...] tachograph is unserviceable or malfunctioning, drivers shall mark data enabling identification of the driver (name, driver card or driving licence number), including a signature, as well as the information for the various periods of time which are no longer recorded or printed out correctly by the [...] tachograph:</p>	<p>Package II</p> <p>Council's text acceptable to EP.</p>
<p>Amendment 101</p>			
<p>Data protection, enforcement and sanctions</p>	<p>Article 1 - Point 1 - Council Regulation (EEC) No 3821/85 - Chapter VII - title Enforcement and sanctions</p>		<p>Package I: Data protection package (linked to amendment 44)</p> <p>EP wants to have it at the beginning of the text. As per amendment 44, Presidency proposes to accept EP text with some adjustment.</p>

Commission proposal st13195/11	EP amendments (1st reading)	Council's position st12870/12	Comments
Amendment 102			
Article 1 - Point 1 - Council Regulation (EEC) No 3821/85 - Article 34			
<p><i>Article 34</i></p> <p><i>Protection of personal data</i></p>	<p><i>deleted</i></p>	<p>Article 34</p> <p>Protection of personal data</p>	<p>Package I: Data protection package (linked to amendment 44)</p> <p>EP wants to have it at the beginning of the text.</p>
<p><i>1. Member States shall ensure that the processing of personal data in the context of this Regulation is carried out in accordance with Directives 95/46/EC and 2002/58/EC and under the supervision of the public independent authority of the Member State referred to in Article 28 of Directive 95/46/EC.</i></p>		<p>1. Member States shall ensure that the processing of personal data in the context of this Regulation is carried out solely for the purpose of verifying compliance with this Regulation and Regulation 561/2006, in accordance with Directives 95/46/EC and 2002/58/EC and under the supervision of the public independent authority of the Member State referred to in Article 28 of Directive 95/46/EC.</p>	<p>Data Protection</p> <p>Presidency proposes that text on data protection be moved to Chapter I - Principles, Scope and Requirements - see amendment 44.</p>

Commission proposal st13195/11	EP amendments (1st reading)	Council's position st12870/12	Comments
<p>2. Member States shall in particular ensure that personal data is protected in relation to:</p> <ul style="list-style-type: none"> - the use of a global navigation satellite system (GNSS) for the recording of location data as referred to in Article 4, - the use of remote communication for control purposes as referred to in Article 5, - the use of recording equipment with a harmonised interface as referred to in Article 6, - the electronic exchange of information on driver cards as referred to in Article 26, - the keeping of records by transport undertakings as referred to Article 29. 		<p>2. Member States shall in particular ensure that personal data is protected in relation to:</p> <ul style="list-style-type: none"> - the use of a global navigation satellite system (GNSS) for the recording of location data as referred to in Article 4, - the use of remote communication for control purposes as referred to in Article 5, - the use of [...] tachograph with a harmonised interface as referred to in Article 6, - the electronic exchange of information on driver cards as referred to in Article 26, - the keeping of records by transport undertakings as referred to Article 29. 	

Commission proposal st13195/11	EP amendments (1st reading)	Council's position st12870/12	Comments
<p>3. <i>The recording equipment referred to in Annex IB shall be designed in such a way as to ensure privacy. Only data strictly necessary for the purpose of the processing shall be processed.</i></p> <p>4. <i>The owners of vehicles and/or transport undertakings shall comply, where applicable, with the relevant provisions on the protection of personal data.</i></p>		<p>3. The [...] digital tachograph shall be designed in such a way as to ensure privacy. Only data [...] necessary for the purpose of the processing shall be processed.</p> <p>4. The owners of vehicles, transport undertakings and/or any other entity concerned shall comply, where applicable, with the relevant provisions on the protection of personal data.</p>	
Amendment 103 Article 1 - Point 1 - Council Regulation (EEC) No 3821/85 - Article 34a (new)			
	Article 34a <i>Control officers</i>		Package II Control officers package (see AM 97)
	<p>1. In order to effectively monitor compliance with this Regulation sufficient standard equipment shall be available to all certified control officers to enable them to carry out their duties according to this Regulation. In particular:</p>		Enforcement Presidency compromise proposal: <u>"1. In order to effectively monitor compliance with this Regulation sufficient equipment and appropriate legal powers shall be available to authorised control officers to enable them to carry out their duties according to this Regulation. This equipment shall include in</u>

Commission proposal st13195/11	EP amendments (1st reading)	Council's position st12870/12	Comments
	<i>(a) Certified control officers shall be in possession of control cards allowing access to data recorded in the tachograph and in the tachograph cards, including the workshop card.</i>		<p>particular: <u>Presidency compromise proposal:</u> (a) <u>Control cards allowing access to data recorded in the tachograph and in the tachograph cards, and optionally in the workshop card.</u></p>
	<i>(b) Certified control officers shall have the relevant harmonised and standardised tools and type-approved software to download data files of the vehicle unit and the tachograph cards and to be able to analyse speedily such data files and print-outs from the digital tachograph in combination with sheets or charts from the analogue tachograph.</i>		<p><u>Presidency compromise proposal:</u> (b) <u>The necessary tools to download data files of the vehicle unit and the tachograph cards and to be able to analyse such data files and print-outs from the digital tachograph in combination with sheets or charts from the analogue tachograph.</u></p>

Commission proposal st13195/11	EP amendments (1st reading)	Council's position st12870/12	Comments
	<p>2. <i>If after having carried out a check certified control officers find enough evidence leading to reasonable suspicion of fraud, they shall be empowered to direct the vehicle to an authorised workshop to perform further tests in order to control, in particular, that the tachograph:</i></p>		<p>Presidency compromise proposal: <u>2. If after having carried out a check control officers find enough evidence leading to reasonable suspicion of fraud, they shall be empowered to direct the vehicle to an authorised workshop to perform further tests in order to control, in particular, that the tachograph:</u> <u>(a) works properly;</u> <u>(b) records and stores data correctly and</u> <u>that the calibration parameters are correct."</u></p>
	<p>(a) <i>works properly;</i></p> <p>(b) <i>records and stores data correctly and;</i></p> <p><i>that the calibration parameters are correct.</i></p>		
	<p>3. <i>Certified control officers shall be empowered to instruct authorised workshops to perform the test mentioned in paragraph 2 and specific tests designed to test for the presence of manipulation devices. If manipulation devices are</i></p>		<p>Presidency compromise proposal: <u>"3. Control officers shall be empowered to request authorised workshops to perform the test mentioned in paragraph 2 and specific tests designed to test for the presence of manipulation devices. If</u></p>

Commission proposal st13195/11	EP amendments (1st reading)	Council's position st12870/12	Comments
	<i>detected, the equipment, including the device itself, the vehicle unit or its components, and the driver card, may be removed from the vehicle and be used as evidence in compliance with national rules of procedure relating to the handling of such evidence.</i>		<u>manipulation devices are detected, the equipment, including the device itself, the vehicle unit or its components, and the driver card, may be removed from the vehicle and be used as evidence in compliance with national rules of procedure relating to the handling of such evidence."</u>
	<i>4. Certified control officers shall make use of the possibility to check tachographs and driver cards which are on site during a check of the premises of the undertaking.</i>		<u>Presidency compromise proposal "4. Control officers shall make use, when appropriate, of the possibility to check tachographs and driver cards which are on site during a check of the premises of the undertaking."</u>
	<i>5. The Commission shall be empowered to adopt delegated acts in accordance with Article 39 to develop the technical and functional specifications in relation to the equipment referred to in paragraph 1.</i>		Linked to content of Annex IB and implementing acts – Presidency proposes to reject the EP text.

Commission proposal st13195/11	EP amendments (1st reading)	Council's position st12870/12	Comments
1. Member States shall ensure that control officers are appropriately trained for the analysis of the data recorded and the control of the recording equipment.	Article 35 - paragraph 1	1. Member States shall ensure that control officers are appropriately trained for the analysis of the data recorded and the control of the [...] <u>tachograph in order to achieve an efficient and harmonised control and enforcement.</u>	<u>Package II</u> Council's text acceptable to EP.
2. Member States shall inform the Commission about the training requirements for their control officers by [6 months after the date of application of this Regulation].	Article 35 - paragraph 2	2. Member States shall inform the Commission about the training requirements for their control officers by 6 months after the date of application of this Regulation.	<u>Package II</u> Council's text acceptable to EP.
	Article 1 - Point 1 - Council Regulation (EEC) No 3821/85 - Article 35 - paragraph 2a (new) <i>2a. The Commission shall adopt decisions to establish a common system of training of control officers within 12 months of ...</i>		<u>Package II & II</u> Enforcement & Training – See Presidency compromise proposal for Amendment 105 below.
	* <i>OJ: please insert date of entry into force of this Regulation.</i>		

Commission proposal st13195/11	EP amendments (1st reading)	Council's position st12870/12	Comments
Amendment 105			
Article 1 - Point 1 - Council Regulation (EEC) No 3821/85 - Article 35 - paragraph 3			
<p>3. The Commission shall adopt <i>decisions on the methodology</i> for the initial and continuing training of control officers, including on techniques to target controls and to detect manipulation devices and fraud. Those implementing acts shall be adopted in accordance with the <i>advisory</i> procedure referred to in <i>Article 40(2)</i>.</p>	<p>3. The Commission shall adopt <i>a methodology</i> for the initial and continuing training of control officers, including on techniques to target controls and to detect manipulation devices and fraud. <i>This methodology shall be based on guidelines providing a common interpretation of this Regulation and Regulation 561/2006/EC in order to guarantee a uniform analysis of data recorded by the tachograph in all Member States.</i> Those implementing acts shall be adopted in accordance with the <i>examination</i> procedure referred to in <i>Article 40(3)</i>.</p>	<p>3. The Commission shall adopt <u>[...] measures, specifying the content of the initial and continuing training of control officers, including on techniques to target controls and to detect manipulation devices and fraud.</u> Those implementing acts shall be adopted in accordance with the <u>[...] examination</u> procedure referred to in Article 40(3).</p>	<p><u>Package II & III</u></p> <p><u>Enforcement & Training Package II & III</u></p> <p>Presidency compromise proposal: "3. The Commission shall adopt measures, specifying the content of the initial and continuing training of control officers, including on techniques to target controls and to detect manipulation devices and fraud. <u>These measures shall include guidelines to facilitate the implementation of the relevant provisions of this Regulation and Regulation 561/2006/EC.</u> Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 40(3)."</p>
			<p><u>4. Member States shall include the content specified by the Commission in the training delivered to control officers."</u></p>

Commission proposal st13195/11	EP amendments (1st reading)	Council's position st12870/12	Comments
Article 1 - Point 1 - Council Regulation (EEC) No 3821/85 - Article 35 - paragraph 3a (new)	<p style="text-align: center;">Amendment 106</p> <p><i>3a. 24 months after ...* control officers shall pass an examination in order to obtain a European Enforcement Certificate. This harmonised certification shall prove that they have the appropriate skills to efficiently execute their control tasks as defined in this Regulation, in particular in relation to Article 34a.</i></p>		<p>Package II control officers</p> <p>Enforcement & Certification – The Council cannot accept any certification system for enforcement officers and therefore rejects this EP amendment.</p>
	<p><i>* OJ: please insert date of application of this Regulation.</i></p>		
Article 1 - Point 1 - Council Regulation (EEC) No 3821/85 - Article 35 - paragraph 3b (new)	<p style="text-align: center;">Amendment 107</p> <p><i>3b. The Commission shall adopt decisions on the requirements and contents of the examination referred to in paragraph 3a. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 40(3).</i></p>		<p>Package II control officers</p> <p>Enforcement & Certification – The Council cannot accept any certification system for enforcement officers and therefore rejects this EP amendment.</p>

Commission proposal st13195/11	EP amendments (1st reading)	Council's position st12870/12	Comments
Article 1 - Point 1 - Council Regulation (EEC) No 3821/85 - Article 35 - paragraph 3c (new)	Amendment 108 3c. The Commission shall present to the European Parliament and the Council a report every two years regarding the number of control officers following the training in each Member State and obtaining the European Enforcement Certificate.		Package II: control officers Enforcement, Training & Certification – The Council cannot accept any certification system for enforcement officers and therefore rejects this EP amendment.
	Amendment 109 Article 1 - Point 1 - Council Regulation (EEC) No 3821/85 - Article 35a Article 35a Very serious infringements		Package II: penalties
	The following infringements of the obligations set out in this Regulation, due to their special gravity and possible consequences for road safety, shall be considered as very serious infringements in the legislation of Member States:		EP accepts redrafting its proposals provided the Council accepts a system of penalties in compliance with Directive 2006/22/EC and ensuring their uniform application. Council does not accept to include a list of very serious infringements in the text.

Commission proposal st13195/11	EP amendments (1st reading)	Council's position st12870/12	Comments
	<i>(1) In relation to the obligations concerning the installation of recording equipment: the installation and use of non type-approved tachograph;</i>		
	<i>(2) In relation to the obligations concerning the use of tachographs, driver card or record sheet:</i>		
	<i>(a) the use of a tachograph not complying with the obligations related to inspection referred to in Article 18</i>		
	<i>(b) the use of a tachograph not properly inspected, calibrated or sealed;</i>		
	<i>(c) the use of a driver card which is not valid;</i>		
	<i>(d) an undertaking not keeping record sheets, printouts and downloaded;</i>		
	<i>(e) a driver holding more than one valid driver card;</i>		
	<i>(f) the use of a driver card which is not the driver's own valid card;</i>		

Commission proposal st13195/11	EP amendments (1st reading)	Council's position st12870/12	Comments
	<i>(g) the use of a defective or expired driver card;</i>		
	<i>(h) recorded and stored data not available for at least 365 days;</i>		
	<i>(i) the use of dirty or damaged sheets or driver cards and data which are not legible;</i>		
	<i>(j) incorrect use of record sheets/driver cards;</i>		
	<i>(k) record sheet or driver card used to cover a period longer than that for which it is intended and data is lost;</i>		
	<i>(l) not using manual input when required to do so;</i>		
	<i>(m) not using correct sheets or driver cards in the correct slot (multimanning).</i>		
	<i>(3) In relation to the obligation to fill in information: first name and surname missing on record sheet.</i>		
	<i>(4) In relation to the obligation to produce information:</i>		
	<i>(a) a refusal to be checked;</i>		
	<i>(b) an unjustified lack of records</i>		

Commission proposal st13195/11	EP amendments (1st reading)	Council's position st12870/12	Comments
	<i>for the current day:</i>		
	<i>(c) an unjustified lack of records for the previous 28 days;</i>		
	<i>(d) an unjustified lack of records of the driver card if the driver holds one;</i>		
	<i>(e) an unjustified lack of manual records and printouts made during the current week and the previous 28 days;</i>		
	<i>(f) unable to produce a driver card;</i>		
	<i>(g) unable to produce print outs made during the current week and the previous 28 days.</i>		
	<i>(5) Breakdown:</i>		
	<i>Tachograph not repaired by an approved fitter or workshop.</i>		
	<i>(6) Manual input on printouts:</i>		
	<i>(a) driver not marking all information for the periods of time which are no longer recorded while recording equipment is unserviceable or malfunctioning;</i>		

Commission proposal st13195/11	EP amendments (1st reading)	Council's position st12870/12	Comments
	<i>(b) driver card number and/or name and/or driving licence number missing on temporary sheet;</i>		
	<i>(c) loss or theft of driver card not formally declared to the competent authorities of the Member State where the loss or theft occurred.</i>		
	<i>(7). In relation to fraud:</i>		
	<i>(a) to falsify, suppress, or destroy data recorded on record sheets, stored in the tachograph or on the driver card or print-outs from the recording tachograph;</i>		
	<i>(b) manipulation of recording equipment, record sheet, driver card or company card which results in data and/or printout information being falsified;</i>		
	<i>(c) manipulation device that could be used to falsify data and/or printout information present on the vehicle.</i>		

Commission proposal st13195/11	EP amendments (1st reading)	Council's position st12870/12	Comments
Amendment 110			
Article 1 - Point 1 - Council Regulation (EEC) No 3821/85 - Article 36 - paragraph 2 Within the framework of this mutual assistance, the competent authorities of the Member States shall in particular regularly send to each other all available information concerning infringements to this Regulation related to fitters and workshops, and any penalties imposed for such infringements.	Article 1 - Point 1 - Council Regulation (EEC) No 3821/85 - Article 36 - paragraph 2 Within the framework of this mutual assistance, the competent authorities of the Member States shall in particular regularly send to each other all available information concerning infringements to this Regulation related to fitters and workshops, types of manipulation practices , and any penalties imposed for such infringements.	Within the framework of this mutual assistance, the competent authorities of the Member States shall in particular regularly send to each other all available information concerning infringements to this Regulation related to fitters and workshops, types of manipulation practices , and any penalties imposed for such infringements.	Package II Council's text acceptable to EP.
Amendment 111			
Article 1 - Point 1 - Council Regulation (EEC) No 3821/85 - Article 36a (new)			
	Article 36a <i>Telephone Hotline</i>		
	<i>The Commission shall install a website and an EU-wide hotline called free of charge and anonymously by drivers or any other concerned stakeholder wishing to report fraud that falls under the scope of this Regulation.</i>		Package II <u>Presidency compromise proposal acceptable to EP:</u> <u>"The Commission should continue to maintain its internet based help desk (http://dtc.jrc.it/index.php), which allows drivers, road transport companies, control authorities and approved workshops to address questions and concerns related to the</u>

Commission proposal st13195/11	EP amendments (1st reading)	Council's position st12870/12	Comments
Article 37 - paragraph 1			
<p>1. Member States shall lay down rules on penalties applicable to infringements of this Regulation and shall take all measures necessary to ensure that they are implemented. Those penalties shall be effective, proportionate, dissuasive and non-discriminatory. In the case of workshops which have infringed the provisions of this Regulation, this may include the cancellation of approval and withdrawal of the workshop card.</p>		<p>1. Member States shall, <u>[...] in accordance with national constitutional arrangements</u>, lay down rules on penalties applicable to infringements of this Regulation and shall take all measures necessary to ensure that they are implemented. Those penalties shall be effective, proportionate, dissuasive and non-discriminatory <u>[...] and in compliance with the categories of infringements as defined in Directive 2006/22/EC.</u></p>	<p>Package II: penalties</p> <p>Council cannot move beyond its text.</p>
Article 37 - paragraph 2			
<p>1. No infringement of this Regulation shall be subjected to more than one penalty or procedure.</p>		Deleted	<p>Package II: penalties</p> <p>General principle – not necessary to restate.</p>

Commission proposal st13195/11	EP amendments (1st reading)	Council's position st12870/12	Comments
Amendment 112 Article 1 - Point 1 - Council Regulation (EEC) No 3821/85 - Article 37 - paragraph 3			
3. The sanctions laid down by Member States for very serious infringements as defined in Directive 2009/5/EC shall be of the highest categories applicable in the Member State for infringements of road transport legislation.	3. The sanctions laid down by Member States for very serious infringements as defined in Article 35a of this Regulation shall be of the highest categories applicable in the Member State for infringements of road transport legislation.	Deleted	Package II: penalties Council cannot accept any harmonisation of sanctions.
Article 38			
<i>Article 38</i> <i>Adaptation to technical progress</i> The Commission shall be empowered to adopt delegated acts in accordance with Article 39 for the purpose of adapting Annexes I, IB and II to technical progress.		Deleted	Package III Linked to content of Annex IB and implementing acts – Presidency proposes to maintain deletion.

Commission proposal st13195/11	EP amendments (1st reading)	Council's position st12870/12	Comments
Article 1 - Point 1 - Council Regulation (EEC) No 3821/85 - Article 38 - paragraph 1a (new)	Amendment 125 <i>The Commission shall adopt the detailed specifications referred to in Articles 4, 5 and 6 by ...*. It may adopt delegated acts pursuant to Article 39 to extend that time limit if it can show at that date that no suitable equipment meeting the required specifications is yet available.</i>		
	* OJ please insert date: two years after entry into force of this Regulation.		Linked to content of Annex IB and implementing acts – Presidency proposes to reject EP text.
<i>Article 39</i> <i>Exercise of the delegation</i> 1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.	Article 39 - title and paragraph 1	<u>Deleted</u>	<u>Package III</u> Linked to content of Annex IB and implementing acts – Presidency proposes to maintain deletion.

Commission proposal st13195/11	EP amendments (1st reading)	Council's position st12870/12	Comments
<p>Article 1 - Point 1 - Council Regulation (EEC) No 3821/85 - Article 39 - paragraph 2</p> <p>2. <i>The delegation of power referred to in Articles 4, 5, 6 and 38 shall be conferred for an indeterminate period of time from the [date of entry into force of this Regulation].</i></p>	<p>Amendment 113</p> <p>2. The delegation of power referred to in Articles 3g, 4, 5, 6 and 34a shall be conferred on the Commission for a period of five years from The Commission shall draw up a report in respect of the delegation of power no later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.</p> <p>* OJ: please insert date of entry into force of this Regulation.</p>	<p>Deleted</p> <p>Package III</p>	<p>Linked to content of Annex IB and implementing acts – Presidency proposes to maintain deletion.</p>

Commission proposal st13195/11	EP amendments (1st reading)	Council's position st12870/12	Comments
Amendment 114 Article 1 - Point 1 - Council Regulation (EEC) No 3821/85 - Article 39 - paragraph 3			
<p>3. <i>The delegation of powers referred to in Articles 4, 5, 6 and 38 may be revoked at any time by the European Parliament or by the Council. A decision of revocation shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.</i></p>	<p>3. The delegation of powers referred to in Articles 3g, 4, 5, 6 and 34a may be revoked at any time by the European Parliament or by the Council. A decision of revocation shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.</p>	<p>Deleted</p>	<p>Package III</p> <p>Linked to content of Annex IB and implementing acts – Presidency proposes to maintain deletion.</p>
Article 39 - paragraph 4			
<p>4. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.</p>		<p>Deleted</p>	<p>Package III</p> <p>Linked to content of Annex IB and implementing acts – Presidency proposes to maintain deletion.</p>

Commission proposal st13195/11	EP amendments (1st reading)	Council's position st12870/12	Comments
Amendment 115 Article 1 - Point 1 - Council Regulation (EEC) No 3821/85 - Article 39 - paragraph 5			
<p>5. A delegated act adopted pursuant to Articles 4, 5, 6 and 38 shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of 2 months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by [2 months] at the initiative of the European Parliament or the Council.</p>	<p>5. A delegated act adopted pursuant to Articles 3g, 4, 5, 6 and 34a shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of 2 months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by [2 months] at the initiative of the European Parliament or the Council.</p>	<p>Deleted</p>	<p>Package III</p> <p>Linked to content of Annex IB and implementing acts – Presidency proposes to maintain deletion.</p>

Commission proposal st13195/11	EP amendments (1st reading)	Council's position st12870/12	Comments
<p>2. Where reference is made to this paragraph, Article 4 of Regulation (EU) No 182/2011 shall apply. Where the opinion of the committee is to be obtained by written procedure, that procedure shall be terminated without result when, within the time-limit for delivery of the opinion, the chair of the committee so decides or a simple majority of committee members so request.</p>	<p>Article 40 - paragraph 2</p>	<p>2. Where reference is made to this paragraph, Article 4 of Regulation (EU) No 182/2011 shall apply.</p> <p>[...]</p>	<p><u>Package III</u></p> <p>Stick to Council's position</p>
<p>3. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply. Where the opinion of the committee is to be obtained by written procedure, that procedure shall be terminated without result when, within the time-limit for delivery of the opinion, the chair of the committee so decides or a simple majority of committee members so request.</p>	<p>Article 40 - paragraph 3</p>	<p>3. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply. <u>Where the committee delivers no opinion, the Commission shall not adopt the draft implementing act and the third subparagraph of Article 5(4) of Regulation (EU) No 182/2011 shall apply.</u></p> <p>Where the opinion of the committee is to be obtained by written procedure, that procedure shall be terminated without result when, within the time-limit for</p>	<p><u>Package III</u></p> <p>Stick to Council's position</p>

Commission proposal st13195/11	EP amendments (1st reading)	Council's position st12870/12	Comments
<p>1. A Tachograph Forum shall be set up in order to support dialogue on technical matters concerning the recording equipment among Member States' experts, and which are using the recording equipment under the European agreement concerning the work of crews of vehicles engaged in international road transport (AETR).</p>	<p>Article 41 - paragraph 1</p>	<p>delivery of the opinion, the chair of the committee so decides or a simple majority of committee members so request.</p>	
<p>1. A Tachograph Forum shall be set up in order to support dialogue on technical matters concerning the [...] tachograph among Member States' experts, members of the Committee of Article 40, and experts from third countries which are using the [...] tachograph under the European agreement concerning the work of crews of vehicles engaged in international road transport (AETR).</p>	<p>Article 41 - paragraph 2</p>	<p>1. A Tachograph Forum shall be set up in order to support dialogue on technical matters concerning the [...] tachograph among Member States' experts, members of the Committee of Article 40, and experts from third countries which are using the [...] tachograph under the European agreement concerning the work of crews of vehicles engaged in international road transport (AETR).</p>	<p>Package III</p> <p>Stick to Council's position</p>
<p>2. Member States shall delegate an expert to the Tachograph Forum.</p>	<p>Article 41 - paragraph 2</p>	<p>2. Member States [...] should delegate as experts to the Tachograph Forum the experts participating in the Committee referred to in Article 40.</p> <p>3. The Tachograph Forum shall be open to participation by experts from interested non-EU Contracting Parties to the AETR.</p> <p>4. Stakeholders,</p>	<p>Package III</p> <p>For Para 2 and 3 the Council suggests to keep the Council text, and to <u>amend para 4 as follows:</u></p> <p>"4. Stakeholders, representatives of vehicles manufacturers, tachograph manufacturers, social partners and the European Data Protection Supervisor shall be</p>

Commission proposal st13195/11	EP amendments (1st reading)	Council's position st12870/12	Comments
		<p>representatives of vehicle manufacturers, tachograph manufacturers and social partners, shall be invited to the Tachograph Forum.</p> <p>5. The Tachograph Forum shall adopt its rules of procedure.</p> <p>6. The Tachograph Forum shall meet at least once a year.</p>	<p>invited to the Tachograph Forum".</p>

Commission proposal st13195/11	EP amendments (1st reading)	Council's position st12870/12	Comments
Article 1 - point 2			
2) Annex I to Regulation (EEC) No 3821/85 is amended as follows:		<u>Deleted</u>	<u>Package III</u> Linked to question of repeal of 3821/85 – Presidency proposes to maintain deletion.
(b) (a) In Chapter I Definitions, point (b) is deleted.			
(c) (b) in Chapter III (c) , in point 4.1, the reference to "Article 15(3) , second indent (b), (c) and (d) of the Regulation" is replaced by "Article 30(5), second indent (b), (c) and (d) of the Regulation "			
(d) (c) in Chapter III (c) , in point 4.2, the reference to "Article 15 of the Regulation" is replaced by "Article 30 of the Regulation"			
(e) (d) in Chapter IV (a) point 1, third subparagraph, the reference to "Article 15(5) of the Regulation" is replaced by "Article 30(6) of the Regulation " .			

Commission proposal st13195/11	EP amendments (1st reading)	Council's position st12870/12	Comments
Article 1 - point 3			
3) Annex IB to Regulation (EEC) No 3821/85 is amended as follows:		<u>Deleted</u>	<u>Package III</u> Linked to content of Annex IB and implementing acts – Presidency proposes to maintain deletion.
(f) (a) In Chapter I Definitions, points (l), (o), (t), (y), (ee), (kk), (oo) and (qq) are deleted:			
(g) (b) Chapter VI is amended as follows:			
(1) (1) in the first paragraph, the reference to "Article 12(5) of Regulation (EEC) No 3821/85 as last amended by Regulation (EC) No 2135/98" is replaced by "Article 24(5) of Regulation (EEC) No 3821/85".			
(2) (2) Section 1 "Approval of fitters or workshops" is deleted.			

Commission proposal st13195/11	EP amendments (1st reading)	Council's position st12870/12	Comments
(h) (c) In Chapter VIII, point 271, the reference to "Article 5 of this Regulation" is replaced by a reference to "Article 8 of this Regulation".			
Amendment 134			
(i)	Article 2 - point -1 (new) - Article 2 - paragraph 1 - point a - Regulation (EC) 561/2006 <i>(-1) In Article 2(1)(a), "3,5 tonnes" is replaced by "2,8 tonnes";</i>		Package IV Amendment 134 to the end: Regulation. 561/2006. Council cannot accept any amendments to social Regulation 561/2006 except the change proposed originally by the Commission regarding the distance in Art 13(1) (d) (f) and (p). Same position applies for amendments 126+135, 127,128,117-120.

Commission proposal st13195/11	EP amendments (1st reading)	Council's position st12870/12	Comments
(j)	<p>Article 2 - point -1a (new) - Article 3 - point aa (new) - Regulation (EC) 561/2006</p> <p><i>Amendment 126+135</i></p> <p>(-1a) In Article 3, the following point is inserted:</p> <p><i>"(aa) vehicles or combinations of vehicles 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 kilometre radius from the base of the undertaking and only on the condition that driving the vehicle does not constitute the driver's main activity;"</i></p>		<p>Package IV See above</p>
(k)	<p>Article 2 - point -1b (new) - Article 8 - paragraph 2a (new) - Regulation (EC) 561/2006</p> <p><i>Amendment 127</i></p> <p>(-1b) In Article 7, the following paragraph is added:</p> <p><i>"2a. By way of derogation from the first and second paragraphs, a driver engaged in the carriage of passengers shall, after a driving period of four-and-a-half hours, take a break of not less than 45 minutes. This break may be replaced by a number of breaks of at least 15 minutes."</i></p>		<p>Package IV See above</p>

Commission proposal st13195/11	EP amendments (1st reading)	Council's position st12870/12	Comments
(1)	<p>Article 2 - point -1c (new) - Article 8 - paragraph 6a (new) - Regulation (EC) 561/2006</p> <p>Amendment 128</p> <p><i>(-1c) In Article 8, paragraph 6a is replaced by the following:</i></p> <p><i>"6a. By way of derogation from paragraph 6, a driver engaged in the carriage of passengers, as defined in Regulation (EC) No 1073/2009 of the European Parliament and of the Council of 21 October 2009 on common rules for access to the international market for coach and bus services, may postpone the weekly rest period for up to 12 consecutive 24-hour periods following a previous regular weekly rest period, provided that:</i></p> <p><i>(a) the driver takes one regular weekly rest period after the use of the derogation;</i></p> <p><i>(b) a total weekly rest period of 140 hours is observed within a four-week period."</i></p>		<p>Package IV See above</p>

Commission proposal st13195/11	EP amendments (1st reading)	Council's position st12870/12	Comments
Article 2			
<p><i>Article 2</i></p> <p>Regulation (EC) No 561/2006 is amended as follows:</p> <p>The distance of '50 km' referred to in points (d), (f) and (p) of Article 13(1) is replaced by '100 km'.</p>		<p><i>Article 43</i></p> <p>Regulation (EC) No 561/2006 is amended as follows:</p> <p>The distance of '50 km' referred to in points (d), (f) and (p) of Article 13(1) is replaced by '100 km'.</p>	<u>Package IV</u>
Amendment 117			
	<p>Article 2 - point 1a (new) - Article 13 - paragraph 1, <i>the two indents are replaced by the following:</i></p> <p><i>' - for the purpose of delivering postal items.'</i></p>		<p><u>Package IV</u></p> <p>See comments on amendment 134</p>
Amendment 118			
	<p>Article 2 - point 1b (new) - Article 13 - paragraph 1, <i>paragraph 1, the point (h) 'road maintenance and control' is replaced by 'road construction, maintenance and control.'</i></p>		<p><u>Package IV</u></p> <p>See comments on amendment 134</p>

Commission proposal st13195/11	EP amendments (1st reading)	Council's position st12870/12	Comments
Article 2 - point 1c (new) - Article 13 - paragraph 1 - point 1 - Regulation (EC) 561/2006	<p style="text-align: center;">Amendment 119</p> <p><i>(1c) Article 13, paragraph 1, point (l) is replaced by the following:</i></p> <p><i>'(l) vehicles used for milk collection from farms and/or the return to farms of milk containers or the delivery of milk products intended for animal feed'.</i></p>		<p>Package IV See comments on amendment 134</p>
Article 2 - point 1d (new) - Article 13 - paragraph 1 - point q (new) - Regulation (EC) 561/2006	<p style="text-align: center;">Amendment 120</p> <p><i>(1d) In Article 13, paragraph 1 the following point is added:</i></p> <p><i>'(q) vehicles used in construction traffic for the supply and delivery of building materials'.</i></p>		<p>Package IV See comments on amendment 134</p>

Commission proposal st13195/11	EP amendments (1st reading)	Council's position st12870/12	Comments
(m)	Article 44 (new)	<p><u>Article 44</u> <u>Transitional measures</u></p> <p><u>Insofar as the implementing acts referred to in this Regulation have not been adopted, so that they may be applied at the time of application of this Regulation, the provisions in Regulation 3821/85, including in the Annexes, shall continue to apply, on a transitional basis, until the date of application of the implementing acts referred to in this Regulation.</u></p>	<p><u>Package III</u></p> <p>To be adapted at a later stage</p>
(n)	Article 45 (new)	<p><u>Article 45</u> <u>Repeal</u></p> <p><u>Regulation 3821/85 is hereby repealed. References to the repealed Regulation shall be construed as references to this Regulation. Any measure adopted on the basis of Regulation 3821/85 shall remain valid.</u></p>	<p><u>Package III</u></p> <p>To be adapted at a later stage</p>

Commission proposal st13195/11	EP amendments (1st reading)	Council's position st12870/12	Comments
Article 3			
<p><i>Article 3</i></p> <p>This Regulation shall enter into force on the day following that of its publication in the <i>Official Journal of the European Union</i>. It shall apply with effect from [one year after entry into force]. This Regulation shall be binding in its entirety and directly applicable in all Member States.</p>		<p><i>Article 46</i></p> <p><u>Entry into force</u></p> <p>This Regulation shall enter into force on the day following that of its publication in the <i>Official Journal of the European Union</i>.</p> <p>It shall, subject to the transitional measures in Article 44, apply with effect from <u>two years</u> after entry into force <u>except for the provisions in Articles 19, 30 and 43 of this Regulation, which shall apply with effect from one year after entry into force.</u></p> <p>This Regulation shall be binding in its entirety and directly applicable in all Member States.</p>	<p><u>Package III</u></p> <p>To be adapted at a later stage.</p>