



**COUNCIL OF  
THE EUROPEAN UNION**

**Brussels, 27 March 2013**

**7856/13**

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**Interinstitutional File:  
2011/0196 (COD)**

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**TRANS 130  
CODEC 667**

**REPORT**

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From: General Secretariat

To: Coreper

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No. prev. doc.: 7108/13 TRANS 93 CODEC 478

No. Cion prop.: 13195/11 TRANS 222 CODEC 1274

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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")

- *Analysis of two additional Presidency compromise proposals with a view to an overall agreement*

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**I. Introduction**

1. In view of an early second reading agreement on the tachograph Regulation, a first informal trilogue took place on 15 November 2012, a second one was held on 26 February 2013 and a third one on 20 March 2013.
2. Significant progress was achieved at the third trilogue. However, in the Presidency's view an agreement on the tachograph Regulation will depend on additional flexibility from the Council's side on two remaining important requests from the Parliament in order to conclude the negotiation on the major political issues.

3. The first EP request concerns the exclusion of non-professional drivers from the obligation to operate with a tachograph if they work within a 100km radius of their base (which requires an amendment of Article 3 of Regulation 561/2006). The second EP request in the context of an overall agreement relates to the equipment of control officers with remote access technology necessary to read the new smart tachograph, on which the Parliament expects some commitment from Member States following a certain timeframe.
4. Against this background, the Presidency would like to add to the overall compromise package discussed at Coreper level on 20 February and 13 March 2013 two additional suggestions. The Permanent Representatives Committee is, therefore, invited to examine and endorse the suggestions below in order to give the Presidency a mandate to finalise the negotiation of an overall agreement with the European Parliament on the major political issues.

## **II. Additional Presidency compromise proposal for an overall agreement with the EP**

As a final offer from the Council side, the Presidency would like to invite delegations to show additional flexibility on the following issues in view of an overall agreement with the European Parliament on the major political issues:

- Accept EP amendment 126+135 concerning Article 3 of Regulation 561/2006 in order to exclude non-professional drivers from the obligation to operate with a tachograph if they work within a 100 km radius of their base, provided that the Parliament confirms that it does no longer insist on its remaining amendments concerning Regulation 561/2006.

The Presidency proposes, therefore, to amend Article 3 of Regulation n°561/2006 as follows:

*(aa) "vehicles with a maximum permissible mass not exceeding 7.5 tonnes used for carrying materials, equipment or machinery for the driver's use in the course of his work, and which are used only within a 100 km radius from the base of the undertaking and on the condition that driving the vehicle does not constitute the driver's main activity".*

- Agree to a two-step approach concerning the equipment of control officers with the remote access technology (EP amendment 52), with an obligation imposed to Member States to equip to an appropriate extent their control authorities with the remote early detection 10 years after newly registered vehicles are required to have a tachograph, taking into account the specific enforcement requirements and strategies of Member States.

More specifically, the text of the Presidency compromise concerning Article 5(1a) of the Council's political agreement provides that:

*"10 years after newly registered vehicles are required to have a tachograph as per Articles 4,5 and 6 of this Regulation, Member States shall equip their control authorities to an appropriate extent with the remote early detection equipment necessary to permit the data communication referred to in this Article, taking into account their specific enforcement requirements and strategies. Until that time, Member States may decide whether to equip their control authorities with the remote early detection equipment referred to in Article 5 and this remote equipment shall not be part of the mandatory control equipment listed in Directive 2006/22/EC."*

The Presidency would like to underline that those two new elements will constitute the final compromise package from the Council side on the major political issues negotiated with the EP.

### **III. Conclusion**

The Permanent Representatives Committee is invited to endorse the proposals presented by the Presidency, with a view to an overall agreement with the Parliament on this file.