

Brussels, 24 March 2006

## **IRU POSITION ON THE TRANSITIONAL ARRANGEMENTS FOR ENFORCEMENT OF DIGITAL TACHOGRAPH INTRODUCTION**

**IRU Position on transitional arrangements for enforcement of digital tachograph introduction.**

### **I. ANALYSIS**

#### **1. Legal Introduction dates**

The 6 December Conciliation agreement on the Driving and Rest Time Rules Regulation (amending Council Regulations 3820/85 (EEC) 3821/85 (EEC) and 2135/98(EC)), concluded a new timetable for the introduction of digital tachographs. This agreement requires digital tachographs to be fitted to new vehicles twenty days after the new regulation is published in the Official Journal of the EU. With April given as the estimated date of publication this would mean digital tachographs will become mandatory in new vehicles registered in EU Member States from early May 2006. The original deadline for digital tachograph introduction of 5 August 2004 (as established by Regulation 2135/98 EC) will be legally revised with publication in the Official Journal.

#### **2. Practical Problems of Enforcement from May 2006**

##### **(a) Vehicles from unprepared Member States**

On the basis that digital tachographs will become compulsory in new vehicles from May 2006, the IRU is concerned that a number of EU Member States will not be able to provide their industry with the means to comply the new requirements (See Annex).

However, the legal deadlines established during Conciliation will apply whether or not the Member State is ready to issue digital tachograph cards, deploy trained control officers or approve workshops to calibrate the devices. Without the driver cards or the possibility to calibrate the device, the digital tachograph will not be considered as legally recognised recording equipment as defined under Regulation 2835/98/EC. Serious problems will arise when such vehicles travel to countries where enforcement of the digital tachograph is fully exercised. It is most likely that these vehicles will be stopped, refused entry to the country or directed to a nearby workshop for calibration and the driver will be fined for driving a vehicle which is not compliant with the new requirements. Drivers will also face being fined if they found not to be in possession of a driver card.

This situation is due to inadequate preparation by some Member States. These governments should in no way be excused for failing to provide their industry with the means to comply with new legislative requirements. Moreover everything possible within the law should be done to minimize the impact on operators from those Member States.

**IRU Recommendations:**

- Currently unprepared Member States must make every effort to provide their road transport industry with the means to comply with the regulatory requirement to fit digital tachographs to new vehicles in line with the Conciliation deadline.
- If Member States should fail to do this, the Commission must use all powers at its disposal - both formal and informal - to accelerate those national governments towards a state of readiness for introducing the digital tachograph.
- The EU as a whole should do everything possible within the law, to ensure that disruption to road transport operators from unready EU Member States is limited to the greatest possible extent.

(b) Vehicles from prepared Member States

Equally, fully compliant operators equipped with digital tachographs should not be inconvenienced when traveling to unready EU Member States and beyond. Problems are likely to occur when digital tachograph equipped vehicles enter countries where control officers are not familiar with the new technology or do not possess the control cards necessary to download data from the vehicle unit. Delays and disruption to operators will be inevitable unless clear steps are taken. The situation must also be avoided, whereby unready Member States are tempted to take retaliatory measures to obstruct operators from countries which have caused difficulties for their own transport companies.

**IRU recommendations:**

- Enforcement authorities must ensure that the control of driving and rest time rules in unprepared Member States will be carried out if necessary on the basis of Digital Tachograph print outs.
- This should apply to AETR countries which adopted a recommendation to this effect at the UNECE Inland Transport Committee on 7 February 2006.

**II. IRU POSITION**

Following the agreement on a new date for the compulsory use of digital tachographs in newly registered goods and passenger vehicles it is vital that proper consideration is given to the needs of road transport industry in their efforts to comply with the deadline

EU Member States who are unprepared for the compulsory introduction of digital tachographs must bear responsibility for this failure and take every necessary action to ensure that disruption to their road transport operators is limited to the greatest possible extent. Furthermore, fully compliant operators from ready Member States should not be delayed or hindered when traveling to countries where enforcement bodies are not fully trained or equipped to deal with the digital tachograph.

The European Commission should use all its powers of sanction – both formal and informal – to accelerate unready Member States as quickly as possible towards a state of full readiness for the digital tachograph.

The Commission should also put pressure on third countries (AETR States) to ensure that digital tachograph vehicles are accepted on their territory in line with the UNECE Recommendation of 7<sup>th</sup> February 2006.

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**Situation end of March 2006**

**Readiness for Digital Tachograph introduction in EU and EEA Countries**

**(a) Countries which should be ready by May 2006.**

The following countries are able to issue driver, enforcement and workshop cards:

Austria	Ireland
Belgium	Lithuania
Czech Republic	Luxembourg
Denmark	The Netherlands
Finland	Norway
France	Spain
Germany	Sweden
Estonia	UK
Italy	

Iceland, Latvia and Slovenia should be ready by May 2006.

**(b) Countries which are not expected to be ready by May 2006**

**Unable to issue cards by May 2006**

Cyprus  
Greece  
Hungary  
Lichtenstein  
Malta  
Poland  
Portugal  
Slovak Republic  
Slovenia  
Switzerland

**Unable to approve Digital Tachograph Workshops by May 2006**

Poland  
Greece  
Lichtenstein  
Portugal

Slovak Republic

(c) Enforcement Officers

Concerning the readiness of control officers, Austria, Belgium, France, Germany, Latvia, Norway, the Netherlands, Luxembourg, Poland, Spain, Sweden and the UK are currently more or less ready to deploy some trained and equipped control officers.

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