



**COUNCIL OF
THE EUROPEAN UNION**

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ADDENDUM TO NOTE

From: General Secretariat
To: Coreper/Council

No. prev. doc.: 12870/12 TRANS 254 CODEC 1968
No. Cion prop.: 13195/11 TRANS 222 CODEC 1274

Subject: *Preparation of the Council meeting (Transport, Telecommunications and Energy)
on 29 October 2012*

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") (LA)

- Political agreement

Delegations will find in Annex a statement by the Commission on the above-mentioned subject, to be inscribed in the Council minutes.

Statement by the Commission

"The Commission considers that the political agreement does not offer sufficient guarantees to prevent fraud and misuse of the tachograph system since:

- The date foreseen to introduce the 'smart tachographs' is too late compared with the initial Commission's proposal (in Articles 4, 5 and 6);
- The Council deleted Article 27 on the merging of driver cards without offering long term alternatives to personalise the cards and reduce the misuse of cards;
- The new Article 21 (7a) introduced by the Council allows the issuance of cards to drivers who reside in territories of Member States where the Treaties do not apply, without sufficient legal guarantees that these drivers will respect the Regulation.

These weaknesses undermine one of the main goals of the initial Commission's proposal, which was to increase the security of the tachograph system and reduce the number of frauds.

The Commission calls on the Council and the European Parliament to further discuss the abovementioned issues and find appropriate solutions during the next steps of the ordinary legislative procedure."
