



Department
for Transport



Department of
the Environment
www.doeni.gov.uk

Date 17 March 2015

Dear Stakeholder

Government's proposals on implementation of new EU tachograph rules

1. As you will be aware, on 4 February 2014 the European Commission published EU Regulation 165/2014 (the new Regulation) on tachographs in road transport. The Regulation can be found here: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2014:060:0001:0033:EN:PDF>. This new Regulation, the requirements of which take effect between 2 March 2015 and 2 March 2016, repeals and replaces EU Regulation (EEC) 3821/85. It also amends EU Regulation (EC) 561/2006 on drivers' hours rules.
2. The paper at **Annex A** sets out how the Department for Transport (DfT) for Great Britain and the Department of Environment (DOE) for Northern Ireland plan to implement the new Regulation, seeks views on areas where there is flexibility on implementation and looks to gather information which will be used to inform any impact assessment. The new Regulation is directly applicable in all Member States and therefore we do not have to transpose it into domestic law for it to take effect. However, we do need to ensure that the requirements of the Regulation as they relate to the provision of enforcement and penalty measures are implemented within the UK.
3. Tachograph issues are a transferred matter to Northern Ireland and it is usual for consultations on transferred matters to be carried out by the relevant devolved administration. Given that the required changes stem from the EU Regulation and will apply UK-wide, it would seem appropriate, on this occasion, to issue this for both Great Britain and Northern Ireland, on a UK-wide basis.
4. A formal consultation was carried out by the European Commission before the Regulation was drafted and the UK Government worked with key stakeholders during

negotiations. We must now implement the Regulation to ensure that the UK is meeting its requirements, and failure to do so could result in infraction proceedings. We have very limited flexibility on the way forward. There is also already a longstanding domestic framework for tachographs including offences.

5. We consider the implementation of this Regulation, given that it is directly applicable and concerns a broadly technical area, to be of limited interest to the wider public and have therefore mainly sent this paper to organisations or individuals that have an interest in tachographs – this includes trade associations, trade unions, road safety organisations, tachograph manufacturers, workshops, enforcement agencies, and others involved in the tachograph industry. A copy is also available on gov.uk and on doeni.gov.uk for anyone to respond to. We would be grateful if you would forward on to anyone you think may have an interest.

6. The new Regulation is aimed at helping to tackle fraud by making the tachograph more resistant to tampering as well as allowing for easier enforcement. It also aims to reduce administrative burdens through more automated technology. Furthermore, it strengthens standards that workshops must meet in order to install, check, inspect and repair the tachograph. It extends some exemptions and national derogations set out in EU drivers' hours rules (Regulation (EC) 561/2006).

7. We have set out in the paper our proposals and feedback provided in response to this will allow us to make informed decisions on ways forward, as well as be used to inform an impact assessment. Throughout the implementation process we will minimise where possible any negative impact on businesses.

8. There are a number of specific questions contained within Annex A on which we would welcome your feedback in order to help us determine how to implement any new requirements. We have provided a response form at **Annex B** for you to complete with views if you wish. In addition, any further comments you have regarding how the new Regulation should be implemented, or any impacts implementation might have, are also welcome.

How to respond

9. **If you wish to make any comments (a response form is available on the gov.uk website) please respond to: tachographregulation@dft.gsi.gov.uk by 12 May 2015.**

10. You can also send comments to:

**Tachograph Regulation
Zone 3/28 Great Minster House
33 Horseferry Road,
London
SW1P 4DR**

11. When responding, please state whether you are responding as an individual or representing the views of an organisation. If responding on behalf of a larger organisation, please make it clear who the organisation represents and, where applicable, how the views of members were assembled.

12. Although this paper covers our policy proposals, there is still significant work to be done to ensure that the new Regulation is properly implemented in a way that fits our domestic legislative framework. If we decide to provide further information concerning the ongoing development of the policy or the draft legislative changes and you are interested in seeing that information then please provide your details and we will endeavour to send that information to you.

Further information

13. Please note that information provided in response to the paper at Annex A, including personal information, may be subject to publication or disclosure in accordance with the Freedom of Information Act 2000 (FOIA) or the Environmental Information Regulations 2004.

14. If you want information that you provide to be treated as confidential, please be aware that, under the FOIA, there is a statutory Code of Practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence.

15. In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information, we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Department.

16. The Department will process your personal data in accordance with the Data Protection Act (DPA) and in the majority of circumstances this will mean that your personal data will not be disclosed to third parties.

17. Please contact tachographregulation@dft.gsi.gov.uk if you would like these documents in a different format.

18. The consultation is being conducted in line with the Government's key consultation principles. Further information is available on the Better Regulation Executive website at <https://www.gov.uk/government/publications/consultation-principles-guidance>

19. If you have any comments about this consultation process please contact:

Consultation Co-ordinator
Department for Transport
Zone 1/29 Great Minster House
London SW1P 4DR
Email consultation@dft.gsi.gov.uk

Please do not submit your consultation response to above address

Yours sincerely,

Helen Grech
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