

October 2022

Joint Position Paper

Mobility Package I: New
Requirements for the Automotive
Industry

PROPOSAL FOR MOBILITY PACKAGE I

RECAST – BACKGROUND

The European Automobile Manufacturers' Association (ACEA) and the International Association of the Body and Trailer Building Industry (CLCCR) welcome Mobility Package I. It is essential for ensuring effective implementation and enforcement of road transport legislation, and to provide a balance between the social protection of drivers and the freedom of operators to provide cross-border transport services. A key objective is to facilitate enforcement of provisions relating to cabotage operations and the posting of drivers.

As part of Mobility Package I, a new set of rules for the road transport sector will become applicable across the EU:

- All vehicles (category M2, M3, N2, N3) registered for the first time from 21 August 2023 must be equipped with a smart tachograph version 2 (hereby referred as G2V2).
- Vehicles engaged in international transport that are currently equipped with an analogue or a non-smart digital tachograph will have to be retrofitted with a G2V2 model by 31 December 2024 at the latest.
- Vehicles engaged in international transport that are currently equipped with a smart tachograph version 1 (G2V1) will have until 18 August 2025 to be retrofitted with a G2V2.
- Finally, all light commercial vehicles whose maximum permissible mass is between 2.5 and 3.5 tonnes, and which are engaged in international transport or cabotage activities, will have to be equipped with a G2V2 tachograph from 1 July 2026, in application of Article 2(1)(aa) of Regulation (EC) No 561/2006.
- Regulation (EU) 2020/1054 of the European Parliament and of the Council of 15 July 2020 amended Regulation (EC) No 561/2006 as regards maximum daily and weekly driving times, minimum breaks and daily and weekly rest periods. It amended Regulation (EU) No 165/2014 with regard to positioning by means of tachographs.
- Amendments to Implementing Regulation (EU) 2016/799, relating to the requirements for the construction, testing, installation, operation and repair of smart tachographs and their components, was finalised and adopted on 16 July 2021.
- Europe's Galileo satellite navigation system provides the signal that enables G2V2 tachographs to be authenticated, as well as underpinning the automatic storage of a vehicle's position when it crosses an international border. Obtaining this data is essential in order to meet the goals set out by the legislator. As

satellite signals are easy targets for security attacks, the Galileo satellite signal, combined with Open Service Navigation Message Authentication (OSNMA) is a fundamental requirement for obtaining a trusted position that is recorded in the tachograph, and hence fulfils the requirements of the regulation.

CONCERNS

ACEA and CLCCR have critical concerns about the following matters:

- In 2019, vehicle manufacturers and bodybuilders experienced significant difficulties in implementing G2V1 requirements in accordance with regulation (EU) 2016/799. In doing so, they also had to bear a high financial burden.
- Given this experience, ACEA and CLCCR raised concerns to the Committee on Road Transport in June 2020 about potential similar difficulties relating to the roll-out of G2V2. In particular, ACEA and CLCCR flagged up the very short lead time for implementation of G2V2 requirements as set out in implementing regulation (EU) 2021/1228.
- DG MOVE acknowledged these concerns, and agreed to coordinate regular stakeholder meetings to facilitate smooth implementation of G2V2. A timetable was prepared with the input of all stakeholders involved in the roll-out of G2V2. On 5 February 2021, DG MOVE presented its timeline to the Group of Experts on the Smart Tachograph, and it received broad support.
- Second-stage manufacturing is outside vehicle manufacturers' responsibility and can take up to 18 months for very complex bodywork. Implementing regulation (EU) 2021/1228 refers to an obligation for vehicles registered from 21 August 2023 to be fitted with a G2V2 tachograph. However, it does not provide additional time for bodybuilding operations, and therefore imposes significant time constraints on second-stage manufacturers, which are typically SMEs.
- Based on the timelines agreed with DG MOVE, a significant portion of the implementation period was envisaged as being required by vehicle manufacturers to carry out vehicle validation and certification, and to ramp up the supply chain to start vehicle production around February 2023. The aim was to provide an additional six months lead time for bodywork activity to be completed by second-stage manufacturers, prior to the 21 August 2023 deadline.
- On 7 June 2022, it transpired that EUSPA (European Union Agency for the Space Programme) would only be able to provide OSNMA services some time in Q1/Q2 2023, thus delaying the entire process of G2V2 implementation. EUSPA services are essential for tachograph manufacturers to carry out functional certification, security certification and interoperability certification.
- As a direct consequences of this delay, vehicle manufacturers and bodybuilders will be unable to have compliant vehicles ready to register by 21 August 2023. This is because there will be insufficient time for the validation of tachograph

systems. A failure to carry out these processes properly would potentially lead to serious issues, including the possible penalisation of drivers as a result of integration issues or errors.

- Regulation (EU) 2018/858 sets out the obligations of vehicle manufacturers with relation to market surveillance matters. These obligations include ensuring that vehicles, systems, components and separate technical units, as well as parts and equipment that are made available on the market, comply with the requirements set out in the relevant Community harmonisation legislation and do not endanger health, safety, the environment or any other aspect of public interest protection. Placing vehicles on the market without appropriate validation risks non-compliance and the potential for defects.

SPECIFIC REMARKS

During the DG MOVE tachograph expert group meeting on 7 June 2022, a proposal was put forward to redefine the criteria for a type-approved tachograph by awarding type approval without the feature to authenticate location (see notes on OSNMA above). Under this proposal, tachographs would then need to be updated during periodic inspection cycles, either through a software or hardware update. It was not clear which of these options would be required, although both are problematic and likely have an impact on the type approval of the tachograph which in turn affects the Whole Vehicle Type Approval (WVTA).

Replacement of the physical tachograph involves significant cost for actors across the entire transport industry. Vehicle manufacturers and bodybuilders – who are the last in the value chain – risk being the victims of additional costs, plus potential legal issues related to the replacement or updating of tachographs. Instead, vehicle manufacturers and bodybuilders must be provided with adequate time – as agreed in DG MOVE's milestone planning – for validation and industrialisation of the type-approved tachograph before installing it in vehicles.

A software update is not an acceptable option either. It would also incur significant additional cost, as security in the tachograph is very high and special updating processes are required that go beyond the typical update routine used for non-secure components in vehicles.

ASSESSMENT AND PROPOSAL

The European Commission must urgently prepare emergency measures to amend the timelines set out in Mobility Package I.

In the EU, 319,257 vehicles (medium and heavy commercial vehicles over 3.5 tonnes, and buses and coaches over 3.5 tonnes) were registered in 2021, equating to an average of 26,605 vehicles monthly. Postponing the implementation date for installing G2V2 tachographs from 21 August 2023 to December 2024 would lead to approximately 400,000 vehicles not being fitted with G2V2.

There are more than 6.9 million medium or heavy commercial vehicles and buses operational across the European Union. Enforcing the 21 August 2023 implementation date would mean that 4.6% of all affected vehicles in circulation would need to be updated with new software or hardware at the next periodic inspection interval.

Introducing G2V2 tachographs without the ability to authenticate vehicles' locations would not provide any benefit for enforcement authorities. Instead, manufacturers would simply be supplying vehicles with non-compliant tachographs that would not fulfil the legislators' intentions, while at the same time adding huge additional costs and complexity to the transport industry in the form of future software and/or hardware updates.

Control of posting and cabotage will become effective when all vehicles internationally are equipped with G2V2 tachographs. This will start to occur when retrofit programmes are finalised (step one in December 2024; step two in August 2025). Furthermore, delaying the introduction of G2V2 tachographs for newly registered vehicles will only have a minor impact on overall enforcement of posting and cabotage.

Therefore, ACEA and CLCCR propose postponement of implementing regulation (EU) 2021/1228 until December 2024, or 18 months after OSNMA is ready.

About ACEA

ACEA, the European Automobile Manufacturers' Association represents the 16 major Europe-based car, van, truck and bus makers: BMW Group, DAF Trucks, Daimler, Daimler Truck, Ferrari, Ford of Europe, Honda Motor Europe, Hyundai Motor Europe, Iveco Group, Jaguar Land Rover, Renault Group, Stellantis, Toyota Motor Europe, Volkswagen Group, Volvo Cars, and Volvo Group.

- 12.7 million Europeans work in the auto industry (directly and indirectly), accounting for 6.6% of all EU jobs.
- 11.5% of EU manufacturing jobs – some 3.5 million – are in the automotive sector
- Motor vehicles are responsible for €374.6 billion of tax revenue for governments across key European markets.
- The automobile industry generates a trade surplus of €79.5 billion for the European Union.
- The turnover generated by the auto industry represents almost 8% of the EU's GDP
- Investing €58.8 billion in R&D per year, automotive is Europe's largest private contributor to innovation, accounting for 32% of the EU total.

For further information, please visit www.acea.auto.

About CLCCR

Founded in 1961, CLCCR is the International Association of the Body and Trailer Building Industry.

CLCCR advocates the various interests of trailer manufacturers and body builders and non-captive OEM bus & coach builders.

- It functions as an international forum, through which its members discuss issues of common interest and develop mutual positions.
- It offers a liaison between its members and the different international and European organizations.
- It represents approved CLCCR positions to different international and European organizations.
- It provides information services to its members and interested parties.

For further information, please visit www.clccr.org.