UNION EUROPÉENNE DES TRANSPORTEURS ROUTIERS

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CONSULTATION PAPER
REVISION OF THE COMMUNITY LEGISLATION ON THE RECORDING EQUIPMENT IN ROAD TRANSPORT (TACHOGRAPHS)

UETR OPINION

INTRODUCTION

This document provides UETR opinion on the possible review of the legislation on tachographs [1] in the consultation process launched by the European Commission on 23/12/2009.

UETR *Union européenne des transporteurs routiers* (www.uetr.eu) is the European umbrella organization representing and defending the interests of more than 185.000 freight transport SMEs (Small and Medium Enterprises) from Western and Eastern EU member states federations, with a total capacity of more than 415.000 commercial vehicles [2].

CHARACTERISTICS OF THE NEXT GENERATION OF TACHOGRAPHS

Question 1: is it important that equipment of different manufacturers functions in exactly the same way? Or should legislation focus on essential requirements and give manufacturers more freedom to develop solutions and improve the equipment?

Tachographs of different brands should function in the same way or, if the equipment is not completely identical (manufacturers should have some freedom of developing helpful additional features) it must be easy to use and manipulate – self-revealing. Standard basics must be guaranteed. A driver getting a replacement vehicle cannot spend half a day training or reading the manual before being able to operate the tachograph and drive.
In the further development of the recording equipment, the possibility to carry out upgrades to conform to new legislation or to adapt to the latest state of technology, should be taken into account.

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[1] Council Regulation (EEC) No 3821/85 on recording equipment in road transport
[2] Within the Union, 95% of the road haulage companies are micro-enterprises with less than 10 employees (small firms or one-man operations).

> **Question 2:** *Should the legislation on the tachograph already foresee the integration of the digital tachograph into an open in-vehicle platform? If so, what other regulatory applications should be integrated in this platform (e.g. e-toll, recorder for accident investigation, e-call, speed control) and why? Would it be interesting for fleet management or other applications related to safety or security of transport, or to law enforcement, to have a real-time "tracking and tracing" function?*

The integration of digital tachograph in a platform must be a free option and not an obligation. SMEs have less financial means to invest in this kind of systems.
The possibility to integrate other systems must be left open. It concerns partly systems for which no Community legislation exists (e. g. fleet management systems, as tracking and tracing,etc.) The use of one platform for several applications can limit in the long term the growth and improvement of hardware technologies with a cost reduction. Integration in e-toll applications must be examined in function of the existing community legislation and the national regulations on toll (weight limits are not totally harmonized). Conditio sine qua non is that such systems are not only implemented to simplify the control activities, but also with the aim of introducing benefits for transport sector (e.g. automatic registration of the country code by a GPS-link). Privacy and data protection must be certified at high level.

> **Question 3 -** *Should remote download of the digital tachograph be encouraged? Is a regulatory approach deemed appropriate in order to facilitate widespread introduction?*

Remote download of the digital tachograph and the driver cards by use of on board units must remain optional. Remote access could interfere with data privacy so this point is quite delicate. Encouraging the use by granting subsidies can be envisaged as optional. SMEs, unlike larger companies, risk being disadvantaged, as generally they do no have the skilled human resources to equip their vehicles with on board units.
The possibility to re-download the digital tachograph should also be allowed , in case the the driver does not download by the regular range of time.
Downloading of data from the recording equipment (tachograph and driver card) should not take more than a few minutes.

> **Question 4 -** *What is your practical experience? Are there any obstacles for speedy download of data?*

Data downloading from driver card is usually simple and fast. Download from tachograph takes more time (especially first generation is too slow) and there are no standardized procedures with different types of tachograph.
Download speed must increase, in order to facilitate a quick and efficient download without major loss of time (immediate readability of data should be improved). The possibilities to carry out upgrades should be kept in mind, to make higher download speed possible, as soon as the state of technology can foresee in it. Not only at the premises of the companies this will lead to a reduction of time loss, but also by roadside checks.

> **Question 5 -** *How could the equipment be changed in order to make controls more efficient? Should the mobile control of moving vehicles be envisaged in order to reduce administrative burden for industry and enforcement bodies?*

National controls to enforce Regulation 561/06 and 3821/85 have never been as severe as today. The transport sector pleads for a judging according to the spirit of the letter. The digital tachograph has made the interpretation and application already more difficult as it was.

With wireless checks of moving vehicle no exceptional circumstances can be explained to the control authorities. Besides, the control of moving vehicles would require proper equipment for mobile data communication on each vehicle. The costs should be carefully evaluated: they cannot be disproportionate to the potential benefits on roadside checks. Moreover, remote control could leave open the possibility of the creation of a kind of permanent total control with data privacy violations.

The current legislation already fits with control authorities. In the meantime it is important that checks are restricted to a reasonable time. It is up to the control authorities to specialize in the matter in order to facilitate quick checks and control authorities to invest in updated control equipment that makes fast checks possible.

Question 6 - Is the current security level proportional? Can and should there be other sources of motion? Could the authenticated time/speed/positioning data provided by the future European "GPS" system, Galileo, be used as a second and independent source of motion to ensure security of data?

Today the data of the calibrated tachograph are often the only data that are taken into account in the criminal prosecution of an infringement. Other evidence to discharge the accused is often not accepted (e.g. data of tracking and tracing systems,…). Information provided by Galileo system could be used in the future new generation equipment to prove that a driver had to face exceptional circumstances that made it impossible for him to find on time a place to rest. This option must be left open to avoid doubling of control systems. It is essential that both control authorities and companies get access to the data registered with the help of Galileo.

Galileo will be probably used mostly as aid for toll collecting systems. The invoices concerning the payment of toll give not sufficient useful information to the transport companies, so access to the registered data is a must to allow a company to provide evidence to discharge.

Question 7 - In case a vehicle is only occasionally used in the scope of Regulation (EC) No 561/2006, for example when exceeding from time to time the radius set in some exceptions, should it be possible to use different means of recording activities?

This option must be carefully evaluated. In some cases the adoption of a different mean of recording activity could remove administrative burdens for some kind of companies (e. g. the new form of attestation of activities [3]) But for little movements on private territory the out of scope function can be used during the daily and weekly rest.

Providing extra exceptions or facilities for those who are already exempted today must not lead to a further distortion of the market. Today unfair competition by companies falling under an exception exists: for example agricultural tractors that are considered not reaching a speed of more then 40km/h are exempted of the driving and rest periods and do not have to be equipped with a tachograph. But in reality this vehicles are put on large scale into action for road construction. The drivers are not submitted to the driving and rest times, and can drive the

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[3] Decision 2009/959/EU of the European Commission amending Decision 2007/230/EC on a form concerning social legislation relating to road transport activities

whole day. In reality most of the agricultural vehicles that are used, can drive 60 to 70 km/h, but this is difficult to control. The abuses stay mostly unpunished. The transport company is frequently the only one punished (and not the unfair competitor), with a job loss [4].

A pragmatic approach must be one of the core criteria to evaluate the feasibility of limited individual exceptions.

Option 1: No new generation of recording equipment should be introduced; make full interoperability with the current system of digital tachographs a strict requirement for all future developments.

Option 2: Foresee a new generation of recording equipment, but make sure that at least driver cards (or other parts of the equipment) can be used with the current generation of digital tachographs and the new generation of recording equipment (backwards compatibility).

Option 3: Foresee a new generation of recording equipment without any requirement on the compatibility.

> *Question 8 - Which option do you prefer? In case you prefer option 2: What are the most important issues for compatibility between a new generation of tachographs and the current digital tachograph, and what other parts of the equipment, apart from driver cards, should be compatible in your view?*

Option 2: driver cards and company cards must be used further, just like the download equipment.

The use of two kinds of cards and download equipment at the same time would cost too much money and would lead to confusion. The additional costs would be furthermore difficult to charge to clients.

> *Question 9 - Should the legislation specify how new equipment has to be introduced in the field? Should a retrofit be possible, mandatory or take place in case of replacement of defective equipment? What are the essential steps for the introduction of new equipment? Should type approval for tachographs fall under the general type approval scheme for vehicles?*

In general terms this question is difficult to answer. The introduction of new software can maybe pass off more smoothly then the introduction of new hardware. EU has applied the possibilty of retrofit only in exceptional circumstances for commercial vehicles and has not chosen to do so at the moment of the introduction of the digital tachograph. It is advisable to do this neither for the upgrading of digital tachographs. When the characteristics of the new equipment are very positive and progressive, then a general and accelerated implementation will happen spontaneously. Apparently this will depend of the total cost of the implementation of the renewal.

> *Question 10 - Should it be possible to carry out field tests before type approval is requested, while maintaining the same security standards? How should field test be limited (geographically, number of equipments, duration of the field test, etc.)?*

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[4] Another example: the exception in the universal postal service sector in Germany for vehicles up to 7.5t transporting parcels up to 20kg. The exception has always been its raison d'être (working times are recorded for the drivers and parcel delivery with its stop-and-go cannot practicably be recorded) but all parcel delivering companies accept parcels upto 31,5 kg so the application of the exception creates a practical problem in reality.

It is desirable to carry out field tests before requesting type approval and before introducing new types on the market. Errors/deficiencies can be filtered out on time. The test period must be limited in number and duration in relation to the impact of the changes on the equipment. The field tests should not be limited to some dozens of vehicles spread over the EU. A dozen of vehicles per Member state is advisable. Because of the little number and the good follow-up of field tests, no specific security standards are required for this vehicles. For the field tests a schedule requiring several downloads is recommended.

Equipment in relation with the tachograph where no type approval is foreseen
The following options could be envisaged:
Option 1: Do not change the current situation
Option 2: Optional standardisation of this equipment through technical bodies
Option 3: Community legislation

Question 11 - Which option do you prefer and if you prefer option 2 or 3, for which parts: seals, downloading equipment, control equipment, calibration tools, etc.?

Option 1. It goes faster than the standardization processes (option 2). Adaptation of legislation takes more time; option 3 should therefore be excluded.

Adaptation to technical progress
The following options could be envisaged:
Option 1: Commission continues to update the technical specifications of the equipment through comitology
Option 2: The Regulation sets essential requirements for the equipment and a normative or technical body (e.g. CEN, CENELEC) is empowered to take care of the detailed technical specifications
Option 3: The Regulation sets the basic principles for the equipment and manufacturers decide on detailed technical specifications

Question 12 - Is the current way of updating the specifications on the tachograph satisfying? Who should be responsible for the updating of the technical requirements? What is your preferred option?

Option 1. Maintaining comitology procedure seems the best option: it is a European procedure that runs rather fast.
Sufficient participation of all sectoral stakeholders must be guaranteed.

Question 13 - Should the trustworthiness of workshops be improved? If so, how? How can conflicts of interest be avoided for workshops that are living from delivering services to individual clients but play at the same time an important role in the security of the recording equipment?

Harmonization at European level is of paramount importance, to ensure the same level of security in all member states.
Until now there are no large-scale unpunished infringements from workshops spotted that would require such an intervention.
Compliance to standards, procedures and directives should be ensured, and consequently regular and strict checks and controls at national level.

Question 14 - *What kind of data should be entered manually by the driver? What kind of information should be recorded automatically by the recording equipment? Is it appropriate to record more precisely the location (via GPS or GNSS for example)?*

The registration of the country code via GPS may be foreseen, but must stay a free choice on the market. The companies must be free in their choice to invest in such equipment, like today the case is with the combination of digital tachographs with on board units, that make remote download possible

It must be forbidden for Member states to ask additional prove or registrations, than foreseen in the legislation. The big tangle of national exemptions causes a lot of troubles on the road and causes a lot of administrative burdens.

Question 15 - *Should the Regulation explicitly foresee the use of electronic data exchange on cards that are issued between card issuing authorities?*

Yes, it is important that such information (basic data) is electronically exchanged and compared to avoid misuse. Drivers committing (or trying to) fraud must be filtered out. The determination of fraud or the attempt to fraud must be punished. The existing European policy to avoid double card requests by one driver is especially set up for this.

Question 16 - *Should the Regulation explicitly foresee warnings for the driver in order to enhance compliance with the legislation on driving times and rest periods? Should it be up to manufacturers' choice to offer such warnings as an optional tool, including additional warnings for other aspects than the continuous driving time?*

Auditive warnings can be of great help and therefore deserve preference on visual warnings, distracting the driver. But this is not a priority and may not be seen as a mandatory part of the tachograph, with the risk of enhancing the price unnecessary.

Warnings on driving time and rest period could be very useful to help drivers to comply EU legislation (quite frequently it is a matter of simple distraction from the driver) and in future generation tachographs this function could be foreseen with cost balance.

Question 17 - *Do you have any other comments or suggestions which you consider should be taken into account during the revision of the European legislation on recording equipment?*

With new vehicles put for sale, it should be compulsory to indicate if a new (or the newest) type of digital tachograph has been build in and what is the download speed with that type of tachograph.

The driver should be able to add activities in local time instead of in UTC-time.

For short/slow moving, ground level loadings etc. switching on the "drive"-status should not be done for example below 50m-10km/h.

Question 18 - *Would you like to propose other measures to make the recording equipment more user-friendly and to improve the reliability of controls?*

The tachograph must be built in at eye level, so the driver can see errors and warnings. The display should be better a bit larger and with a bigger colour contrast, to higher the visibility.
The speed registration should be saved in the memory for longer than 24 hours, in order to be able to prove traffic-jams and other problems by the saved data. The speed registration should be kept in the memory of the digital tachograph, for at least 29 days

Technical reliability must be improved (e. g. display rest of allowed driving time; display paper jam and make it easier to fit; allow software updates not only with workshop/garage equipment possibly during rest times).