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

Summary of Stakeholder Consultation Responses

The consultation was held from 23 December 2009 to 01 March 2010 with responses received from 73 different stakeholders. The nature of the responses is summarised in the table below:

Table 1 Summary of stakeholder responses

Road transport associations	19
Trade unions	3
Tachograph manufacturers	4
Enforcement associations	2
Industry associations	15
Public authorities	18
Individual undertakings and individuals	12

Question by question consultation review

Question 1 – Standardisation

This question was concerned with the extent of standardisation in tachographs that regulation should require. It was worded as follows:

> *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?*

There were very few responses that thought either complete standardisation or no standardisation whatsoever desirable. The debate, therefore, seems less about whether to fully standardise tachographs or not to fully standardise tachographs but about what parts of the tachograph to standardise and which parts not to standardise. There is, consequently, an acceptance of the need for some minimum standards to be set by regulation, alongside scope to innovate for tachograph and other manufacturers beyond these minimum standards.

Question 2 - integration of the digital tachograph into an open in-vehicle platform

This question was concerned with the integration of the digital tachograph into an open in-vehicle platform. It was worded as follows:

> *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 idea of an open vehicle platform is not without its supporters. There is recognition that they have the potential to reduce administrative burdens and avoid a multiplicity of devices in the vehicles, particularly if an open architecture approach is adopted that enables undertakings to choose the approach that best suits them. Certain consultation responses put some conditions on these proposals. Amongst others, the following was underlined : the Trade Unions stress the importance to protect the privacy of their members; the tachograph manufacturers do not want the development of these technologies to be determined by legislation; and the public authorities have concerns for instance concerning the usability for drivers.

Question 3 – Remote downloading

This question asked for views on remote downloading, as well as regulation's role in encouraging it:

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

In general, the vast majority of respondents felt that remote downloading is a progress for instance for fleet management or enforcement and should be encouraged. However, almost all categories of respondents (except public authorities and enforcers) were largely against the use of regulation to ensure widespread introduction, due to concerns about it being uneconomical for small enterprises. There was a preference shown for either letting the market decide completely, or using an incentive based approach that took advantage of market forces. Where regulation was preferred, it was usually to ensure technical standards and stress was placed on the need for such regulation to be flexible. There was also recurring concern regarding data security.

Question 4 – Speed of downloading

This question was concerned with the speed of data downloading:

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

In general, there is a feeling that download speeds have increased considerably over time as newer devices have been introduced into the market. Further improvements would be welcome. There was some concern that download tools are not regulated. The importance of incorporating new technological advancements to further increase speeds on a rolling basis was stressed by many respondents.

Question 5 – Improvement of controls

This question was concerned with finding ways of making controls more efficient, in particular it investigated the use of mobile controls:

> *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?*

In general, a lot of scope was seen for improvements in equipment to make controls more efficient. Opinion was divided on the extent of human interpretation required in the control process – enforcers and tachograph manufacturers wanted to give the equipment the power to interpret

the data and indicate violations, whereas road transport associations stressed the need for human judgment to take into account mitigating circumstances.

From the responses, it is clear that there is a wide variation in the respondents' interpretation of what the Commission means by mobile control. Most stakeholders would not support a fully automated system issuing fines based on information accessed remotely. However, stakeholders confirmed that it would be interesting to foresee targeted controls through a filtering system which would be based on some basic indications given while the vehicle is moving (e.g. a signal when no driver card is used); in case of reasonable suspicion, a full roadside check would then be carried out by control officers.

Question 6 – Security

This question was concerned with the level of security of the system, and the introduction of secondary means of motion to corroborate tachograph readings:

> *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?*

Security of the tachograph system was seen as a very important element. Almost all stakeholders stated that the level of security should be maintained or even enhanced. Adaptation to technical progress is therefore seen as important.

Regarding a secondary source of information on motion, some welcomed it. Though Galileo received some support, respondents asked questions about its reliability and stressed that other technical solutions based on Global navigation satellite systems (GNSS) could be used.

Question 7 – Scope of regulations

This question was concerned with the possibility of using different recording tools for certain categories of vehicles. It was worded as follows:

> *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?*

There were very few responses in agreement with the proposal to have a different means of recording driving for cases that occasionally fall within the scope of the regulations. Individual groups suggested that the scope of the regulations be changed to increase the exceptions to the rules for craftsmen. But overall everyone agreed that where the regulations apply, digital tachographs must be used, otherwise this could lead to abuses and difficulties of control.

Question 8 – Compatibility and Interoperability

This question was concerned with the compatibility and interoperability of tachograph technology going forwards. Three options were laid out:

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.

The questions was as follows:

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?

Overall stakeholders seemed to be in favour of option 2, that is, a new generation of recording equipment which maintains a backwards compatibility with the existing equipment, and most importantly with driver cards and downloading technology. Divergence from the current system would seem a waste of the investment that went into the current system, and would create an added burden in terms of time and cost, as well as the potential for failures and delays.

Question 9 – Introduction of equipment

This question addresses how changes to the annex would be implemented in the field should the annex be adapted as the legislation does not address this issue.

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?

There were very different opinions on retrofit. Although some wished to fully retrofit all vehicles, other stressed that this is technically not feasible. Stakeholders agreed that rules on introduction of new equipment should be clarified. There were opposing opinions, also within certain groups of stakeholders, on the possible inclusion in the general type approval scheme.

Question 10 – Field Tests

This question was concerned with field tests. It was worded as follows:

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.)?

There is sympathy across the various categories of respondents for an increased ability to conduct field tests prior to type approval as long as certain safeguards are put in place. There are a variety of proposals put forward for how these safeguards may be ensured.

Question 11 – Type approval of new equipment not currently foreseen

This question was concerned with type approval of new equipment not currently foreseen in legislation. It was worded as follows:

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*

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

There is a spectrum of views on this issue, but whether respondents are equally well informed on the topic is debatable. Some respondents expressed a blanket preference for one of the options without providing any justification for this preference, while others gave more considered views. Overall, option 3 tended to enjoyed most support amongst most categories of respondents for most tachograph parts. That said; some respondents saw practical challenges in applying option 3 and others saw no need to move from the status quo at all. This suggests that careful thought is required in developing next policy steps in this area.

Question 12 – Adaptation of equipment to technical progress

This question was concerned with the procedure of adapting tachograph specifications to technical progress:

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

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?

Most respondents commented that the current system of comitology (option 1) works well and allows all stakeholders to give their input. Options for reform in the direction of option 2 received some support. Option 3 received least support.

Question 13 – Installation and inspection

This question focussed on the role played by workshops, specifically improving their trustworthiness in the interests of tachograph security:

> *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?*

In general, it was felt that the trustworthiness of workshops could be improved. Common suggestions included harmonising requirements, authorising procedures and enforcement across Member States, an improved system of random checks and audits, legal provision for sanctions against offenders or improved training for technicians at workshops.

Question 14 – Automatic and manual recording of information

This question was concerned with the degree of manual input required into the data collected by the tachograph system:

> *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)?*

In general, several respondents felt that manual entry should be minimised in order to reduce administrative burden. However, the additional manual entry of weekly rest was often desired for control purposes. Trade unions proposed to record in addition automatically the weight of the vehicle. Regarding the more precise recording of locations, many felt that this was desirable for the starting point and end point of the journey, and automatic recording would be the best option.

Question 15 – Uniqueness of driver card

This question asked for opinions on data exchange on driver cards across Member States to ensure that each driver has a unique driver card:

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

Most respondents recognised the importance of data sharing on driver cards between Member States in order to prevent fraud. Some insisted on the importance to comply with data protection rules. Several commented that this data would be useful for enforcers during roadside and company checks. Others commented that legislation should not mandate one specific information sharing system.

Question 16 – Warnings

This question was concerned with indicative warning signals for drivers to enhance compliance with working hours regulation:

> *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?

There was considerable difference of opinion among respondents on whether or not legislation should make explicit demands for additional warnings. Tachograph manufacturers commented that there was already a system of voluntary standardisation in place. Additional warnings could be introduced on a voluntary basis. A common concern across all groups was that a system of warnings would be complicated and of limited use unless interpretation and enforcement of Regulation (EC) No 561/2006 by Member States is more harmonised.

Question 17 – Further comments

Question 17 was:

> *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?*

– A revision should enhance the implementation and harmonization of the current legislation by enforcement authorities in all Member States (concerning for instance equipment and application of rules).

– Integration of driver license and driver card is desired.

– The revision should regulate the issuing of drivers cards by Member States.

– SMEs and companies whose main activity is not transport fear that technological improvements (tracking, wireless download etc.) lead to additional costs without extra benefit.

– Some stakeholders ask for standardized sealing.

– The relevance of data recorded by the tachograph in accident investigation was highlighted.

Question 18 – User friendly and reliable

Question 18 was:

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

– The visibility of the tachograph for the driver could be improved.

– Sound warning to signal infringements or the overwriting of data is generally seen as helpful.

– Tachograph should become more tamper-proof in general.

– Wireless data extraction is desired by enforcement authorities and road transport associations (except for SMEs).

Contributions:

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TACHOGRAPH MANUFACTURERS (4)	ACTIA, Continental, EFKON, Stoneridge
ENFORCEMENT ASSOCIATIONS (2)	Euro Contrôle Route, CORTE
INDUSTRY ASSOCIATIONS (15)	ACEA, Bundesverband des Deutschen Lebensmittelhandels, CECRA, CLECAT, Eurosmart, EVU (Europäischen Vereinigung für Unfallforschung und Unfallanalyse e.V.), Finnish Motor Insurers' Center, IHK Mannheim, IHK Reutlingen, IHK Stuttgart, IHK Ulm, UEAPME, VDA Verband der Automobilindustrie, WKO – Wirtschaftskammer Österreich, ZDH.
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