



EUROPEAN COMMISSION
DIRECTORATE -GENERAL FOR ENERGY AND TRANSPORT
DIRECTORATE E - Inland Transport

ACTIA AUTOMOTIVE CONTRIBUTION TO CONSULTATION PAPER

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

INTRODUCTION

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(Tachograph Manufacturer)

FUNCTION: Project Leader, Legal Requirements, Security, Type approval

Comments should reach the Commission's services no later than the **1 March 2010** at the following address:

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Deleted: The Community road transport legislation provides for harmonised rules on maximum driving hours and minimum breaks and rest periods in order to ensure road safety, fair competition between undertakings and good working conditions for drivers. These rules apply for all drivers engaged in the transport of goods with vehicles of 3,5 tons laden mass and more and for drivers engaged in the transport of passengers with vehicles for 9 persons and more. Compliance with these rules is controlled through a recording equipment that has to be installed in vehicles falling under the scope of this legislation. ¶
Since May 2006, the digital tachograph has become the mandatory recording equipment for new vehicles. While the necessary adaptation of this device to technical progress is regularly carried out by the Commission, it is now considered appropriate to review the legislative framework which dates back to 1985 in order to ¶
<#>enhance the clarity, readability and enforceability of the rules concerning the recording equipment and ¶
<#>provide for a new generation of more secure, user friendly and interoperable recording equipment. ¶
The purpose of this document is to outline these plans and to seek the opinion of the interested parties. The consultation focuses on the recording equipment only, and does not consider the rules on driving times and rest periods which were adopted by the European Parliament and Council in 2006. ¶
Based on the feedback received in this initial consultation, DG TREN will decide whether and how to proceed. The contributions received will be published by the Commission, unless requested otherwise by their author. The contributions should include the name, details, functions and main objectives of the organisations which send them.

1. BACKGROUND: THE COMMUNITY ACQUIS ON RECORDING EQUIPMENT

2. CHARACTERISTICS OF THE NEXT GENERATION OF TACHOGRAPHS

2.1. Functioning of the recording equipment

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 ?

Answer 1 - The digital tachograph being the way Regulation 561/2006/EC is enforced throughout European Union and AETR Contracting parties, it is of the highest importance that its core functions are operating the same way , whatever its manufacturer.

Not only the set of data on which controls are based should be regulated, but also the way they are processed and stored.

To allow enforcers from various countries to do their job, and also to avoid proliferation of equipment needed to exploit tachograph data, standard interfaces protocols are clearly required. Relevant Appendixes are therefore attached to Annex 1B (data downloading protocol, printouts).

To allow drivers to use as many trucks as needed, which may be equipped with tachographs from different manufacturers, a standard interface protocol with the media used to identify drivers and store driver related data (currently, smart cards) is required. The relevant Appendixes are therefore attached to Annex 1B (card specification, security mechanisms). Interoperability between such media and the tachograph must be guaranteed.

To allow workshops to efficiently calibrate and inspect tachographs, while avoid proliferation of equipment needed , standard interfaces protocols are clearly required. The relevant Appendix is therefore attached to Annex 1B (calibration protocol).

To avoid differences in the security level offered by tachographs from different manufacturers, the required security level must be specified. The relevant Appendixes are therefore attached to Annex 1B (security targets, security mechanisms).

All this is also needed to ensure that the dominant manufacturer in the tachograph area doesn't impose its solutions, leading to a complete monopolistic situation.

Deleted: Since its introduction, Council Regulation (EEC) No 3821/85 on recording equipment in road transport¹ has been amended by 16 legal acts, mainly in order to adapt the annexes to technical progress. The most important amendment has been the introduction of the digital tachograph through Council Regulation (EC) No 2135/98² and Commission Regulation (EC) No 1360/2002³. In 2009, the responsible Committee gave a favourable opinion on the tenth adaptation to technical progress of the annex; it will improve user-friendliness and increase the reliability of the system. The consolidated version of Council Regulation (EEC) No 3821/85 contains 269 pages. ¶
The most important legal acts referring directly to Council Regulation (EEC) No 3821/85 are the following. ¶
Regulation (EC) No 561/2006 on the harmonisation of certain social legislation relating to road transport⁴ defines maximum driving times and minimum rest periods. It contains several references to the recording equipment, in particular imposing the driver to record also other working activities than driving and periods of availability. ¶
Directive 2006/22/EC on minimum conditions for the implementation of Council Regulations (EEC) No 3820/85 and (EEC) No 3821/85⁵ sets minimum targets for the control by Member States of the application of the social legislation by drivers and undertakings. From 1 January 2010, 3% of days worked by drivers of vehicles falling within the scope of Regulations (EC) No 561/2006 and (EEC) No 3821/85 have to be checked; not less than 30 % have to be checked at the roadside, and not less than 50 % have to be checked at the premises of undertakings. The directive also requires Member States to equip and train their control officers for the control of the digital tachograph. ¶
The recording equipment is the central element to control the application of the legislation on driving times and rest periods in order to ensure road safety, fair competition and good working conditions for drivers. The digital tachograph is installed in more than 1.5 million vehicles and used [... [1]

Deleted: The current legislation Council Regulation (EEC) No 3821/85 and its annexes contain very detailed technical prescriptions on the recording equipment and in particular on the digital tachograph. While this may be convenient for control officers and drivers who change regularly from vehicle to vehicle, it leaves manufacturers not much room for innovation and improvement of the equipment.

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2.2. Integration of ITS applications

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?

Answer 2 – Nothing in the current Regulation 3821/85 prevents from integrating the digital tachograph with other applications, within a single open in-vehicle platform. Requirement 003 in its Annex1B copes with that, provided that “any inclusion in or connection to the recording equipment of any function, device, or devices, approved or otherwise, shall not interfere with, or be capable of interfering with, the proper and secure operation of the recording equipment and the provisions of the Regulation”.

Integrating the tachograph with other applications doesn't need to be regulated by the 3821/85 Regulation, whose scope would need then to be changed (and extended from the current scope, which is only controlling the 561/2006 Regulation).

Industry will integrate the digital tachograph with other functions anyhow, when standards, vehicle architecture, technology are ready, and when there is an economic interest for the final users to do it this way.

Please keep in mind that, today, only some of the transport companies (especially big ones) are economically interested in having telematics in their vehicle. For many other ones, the investment in telematics is not profitable. They wouldn't like telematic equipment to be compulsory.

We would welcome of course any funded project paving the way for a universal on-board unit introduction (defining architecture, interface between several applications...)

2.3. Remote download of recorded data and speed of downloading

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

Answer 3 – Remote download should not be compulsory through a regulatory approach. Let this additional function remain optional and market driven. Due to additional telematic equipment, back office software and communication costs, the investment in this function may be interesting for some transport companies only (also see Answer 2 above).

Deleted: The Commission foresees in its Action plan on Intelligent Transport Systems (ITS) (COM(2008)886) the development of open in-vehicle platform architecture, designed to be flexible and extendable in time, to afford the integration of different categories of ITS applications expected to come: enforced safety and security applications (like the DT or the e-call), fleet management systems, traffic management systems, navigation and information systems, etc. This effort should facilitate the integration of the different systems, and prevent the senseless multiplication of independent equipments on board. ¶
The experience accumulated with the introduction of the digital tachograph, (first enforced ITS equipment in trucks and busses), could be central for the development of this open in-vehicle platform for commercial vehicles. ¶
This concept of platform is intrinsically connected to the growing ICT implication in transport, and will therefore be supported by an advanced communication module (radio, GSM, UMTS, GNSS, etc.) allowing for possible 'tracking and tracing' applications.

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Deleted: The legislation in place already allows remote download of data recorded by the digital tachograph by the transport undertaking. Recently, the necessary equipment for remote download has been made available on the market. For undertakings that use this possibility of remote downloading, administrative burdens are reduced: drivers do not need to download their driver card after 28 days; the data from the tachograph does not have to be downloaded at the premises every three months, etc. The system also shows advantages for control activities: recent data is available in case of a check at premises and no data is lost in case of a breakdown of the equipment. The additional cost of the remote downloading equipment has to be balanced by the above-mentioned benefits.

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

Answer 4 – Downloading data from the VU memory (including 1 month of driver activities, but excluding detailed speed) activity with our tachographs takes less than 5 minutes, using well designed download tools. Downloading data from a driver card is usually also lower than 5 minutes, but could vary in function of the card capacity.

Main obstacles to increase the download speed are:

- speed of signature computation by driver cards.
- speed of signature computation by VU (high development costs and higher unit price if faster processors are used).
- design of download tools (which are not regulated nor type approved).
- speed of processors in cards and VUs (related to costs, like above).

2.4. Improvement of controls

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?

Answer 5 – A first step would already be to make sure that all Member States enforcement bodies efficiently use all possibilities allowed by current digital tachographs (which to our knowledge is not the case). This involves in particular training to specific techniques and equipment.

A second step would indeed be to be able to control moving vehicles. While regulating this facility, care must be taken of its economical impact on the unit price of tachographs, on the communication costs if any, on the infrastructure costs for Member States, etc.

2.5. Security level of the system

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?

Answer 6 – The current security level is proportional, it provides a high and standardised security level.

Deleted: Downloading of data from the recording equipment (tachograph and driver card) should not take more than a few minutes.

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Deleted: The purpose of recording equipment is the control of compliance with legislation on driving times and rest periods. Through the introduction of the digital tachograph, roadside checks have become more efficient as more days per check are controlled, but they still take considerable time. If the recording equipment would be able to communicate wirelessly to the outside, a mobile control of moving vehicles would be possible, for example by a control vehicle passing by the controlled vehicle on a highway. This would prevent that trucks and buses that comply with the regulation would be stopped.¶ On the same line, it could be possible to perform 'basic' controls with tachographs communicating a restricted set of sensitive parameters (e.g. to check whether the driver card is inserted, or if the tachograph is in driving mode) to fix or mobile infrastructure, while the truck is driven. This could help to screen and filter the trucks before a control, increasing the efficiency of the control.¶ In addition, the digital tachograph records certain events which for example may indicate attempts to tamper the equipment. However, the respective warnings provided by the equipment are not always unambiguous.

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Deleted: One of the main objectives for the introduction of the digital tachograph was to improve the security of the system and the reliability of the data that could be controlled. Three years after its introduction, it appears that the digital tachograph has been an improvement compared to the analogue tachograph. The Commission has continued to work on the security, in particular by introducing the requirement for the equipment to have a second source of motion and the requirement that the motion sensors either detect magnetic fields or is protected from them.¶ However, updating the technical requirements to progress remains a moving target, as IT developments are ongoing. For the same level of security using the same technological choice, requirements become more difficult to meet, possibly leading to interoperability problems.

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Using other sources of motion (than the motion sensor) can be useful to help to reduce frauds. Position externally provided (authenticated or not) could be used as a second independent source of motion, but also for facilitate entry of places where daily work period begins/ends. Again any additional costs for these functions should be carefully considered.

3. PRINCIPLES AND SCOPE

3.1. Scope of the regulation

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?

Answer 7 – As a tachograph manufacturer, we are not directly involved in this kind of issues.

3.2. Compatibility and interoperability

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?

Answer 8 – Options 1 or 2 should be followed. Option 3 would mean that drivers should be able to handle 3 very different ways of identify themselves and record their activities, which is very difficult to imagine.

4. TYPE APPROVAL

4.1. Introduction of equipment based on new specifications

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?

Answer 9 – The legislation should at least clarify any doubt about what should be done in terms of retrofitting vehicles or replacing defective equipment.

Systematic retrofitting of vehicles is not realistic, because checking technical compatibility (and developing compatible products) with all types of vehicles represents a tremendous work, whose costs can be supported neither by industry nor by the final users.

Deleted: Under the current legislation, the vehicles that fall under the scope of Regulation (EC) No 561/2006 have to be equipped with recording equipment according to Council Regulation (EEC) No 3821/85. Regulation (EC) No 561/2006 provides for a certain number of exceptions; in addition, Member States can grant certain exceptions as defined in the Regulation. Parliament and Council have thoroughly discussed and carefully established these exceptions before adopting the Regulation (EC) No 561/2006.¶ However, claims of certain users have arisen that the recording equipment leads to too much administrative burden in cases where driving is not the driver's main activity and when the vehicle falls only from time to time within the scope of the Regulation on driving times and rest periods. These claims have of course to be considered against the objectives of Regulation (EC) No 561/2006 and the capability to control the application of its provision.

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Deleted: There is no compatibility between the old "analogue" tachograph and the digital tachograph: the analogue system continues to function with paper charts, the digital system uses tachograph smart cards. This side by side of two independent systems may lead to less efficient controls.¶ On the other hand, Council Regulation (EEC) No 3821/85 foresees strict interoperability criteria for the introduction of new digital tachographs and tachograph cards on the market. That means that new digital equipment has always to be fully interoperable with all the digital tachograph equipment that is already in the field. ¶ However, some adaptations to technical progress of the recording equipment may lead to interoperability problems, and therefore to the necessity to introduce a new generation of recording equipment. In this case, the question arises to what extent a new generation should be compatible with the current digital tachograph generation.¶ Three options can be envisag... [2]

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Deleted: Council Regulation (EEC) No 3821/85 foresees the possibility for the Commission to adapt the annex containing the specifications of the tachograph to technical progress but does not foresee how the changes are introduced in the field. Questions like whether a retrofit in vehicles using older equipment is necessary, or by what type of equipment defective equipment is replac... [3]

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In a vehicle, it should always be possible to replace a defective equipment by another one of the same type. Alternatively, it should always be possible to replace it by another one of another type, conforming to a more recent version of the legislation, provided technical compatibility has been stated by tachographs / vehicle manufacturers.

Essential steps for the introduction of a new equipment are:

- 1) publication of a new legislation version
- 2) equipment development and validation by tachograph manufacturers
- 3) equipment type approval (security certification, functional certification, interoperability certification)
- 4) system validation by vehicle manufacturers
- 5) field tests

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Deleted: Currently, the Regulation does not provide for the possibility to carry out field tests of equipment before it is type approved.

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.)?

Answer 10 – Field testing new equipment before type approval should definitely be possible, as this would enable tachograph manufacturers to identify problems in equipment use at an earlier stage, thus leading to less costs and shorter times to market.

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Such field tests could be limited to the territory of one country only. Their conditions should be declared to the relevant type approval authority and enforcement bodies (transport companies involved, number and vehicles identity, duration of the field test).

4.2. Equipment in relation with the tachograph where no type approval is foreseen

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.?

Answer 11 – Concerning calibration equipment, a harmonised view between all Member States is clearly a target to reach (as today, calibration equipment must be type approved in each different country). This can only be reached by Community legislation, so that a type approval granted by one Member State is also recognised by all other Member States.

Concerning downloading equipment, the current situation could stay, as long as the downloading protocol is standardised. Companies and other bodies buying downloading equipment should just check and compare performances of different equipment offered to them.

Concerning seals, there is clearly a lack in the current legislation, which doesn't provide any detailed requirements, so that seals cannot be efficiently used (e.g. to identify who has

Deleted: The current legislation does not provide for detailed requirements in the following fields: seals, downloading equipment, control equipment, calibration tools.¶ While a legislative approach on this equipment would enhance harmonisation, it has to be evaluated against the administrative obligations that would be created for industry and authorities and the additional efforts needed to keep the respective legislation up to date with technical progress.¶ 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

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installed it, or to guarantee that no seal breaking has happened...). Legislation should be improved in this area.

Concerning control equipment, to avoid contestations in justice, it should be used that control equipment used in different Member States provide the same results when analysing the same set of activities performed by a given driver. This could be tested by a single laboratory, following the model of interoperability tests between VUs and cards. This target could be difficult to achieve, because there are numerous ambiguities in Regulation 561/2006/EC, which lead to different interpretations in different Member States anyhow. The situation could then stay as it is today.

4.3. Adaptation to technical progress

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?

Answer 12 – Option 1 (comitology) is our preferred option. It guarantees in particular a fair competition between equipment manufacturers, while optimising investments to be made by all stakeholders.

This doesn't prevent from basing the technical specifications on existing standards. This doesn't prevent either from mandating standardisation bodies to define standards covering digital tachograph interfaces. But managing fixed leadtimes for the introduction of a new generation of recording equipment, if the needed standards don't exist could be problematic.

To our view, the best way of working should be:

- review existing standards related with the recording equipment functions and interfaces
- identify areas where standards must be finalised or created
- mandate relevant standardisation bodies to realise the standards needed and fix target time schedule
- refer to these standards in the legislation (at least at Draft International Standard stage)
- fix the time schedule for introduction of new equipment

5. INSTALLATION AND INSPECTION

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?

Deleted: Council Regulation (EEC) No 3821/85 gives the Commission the competence to update the annexes containing the technical requirements of the tachograph to technical progress. This has to be done through a comitology procedure, involving Member States and Parliament. However, the procedure is time-consuming and administratively intensive.¶

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

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Deleted: Workshops are important part of the tachograph system, as they are responsible for the installation and repair of equipment and in particular also for the calibration of the tachograph. However, the current legislation contains only very basic provisions on workshops, for example that Member States have to approve workshops, but without saying on what criteria workshops have to be approved. This may lead to very different handling in the different Member States. It has to be remembered that for the security of the tachograph, trustworthy workshops are critical.

Answer 13 – As a tachograph manufacturer, we cannot question the trustworthiness of workshops. Conflicts of interests should however clearly be avoided.

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6. USE OF EQUIPMENT

6.1. Automatic and manual recording of information

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)?

Answer 14 – As a tachograph manufacturer we wouldn't take position on which kind of data should be entered manually by drivers.

It seems to us that it would be useful, however, if the locations where the daily work period begins/ends were entered semi automatically by drivers (proposed by the recording equipment and acknowledged by drivers). It could also be useful to record the vehicle position at the beginning and end of each driving sequence (+ kilometres driven for each driving sequence).

Deleted: The recording equipment automatically records the periods during which the vehicle is moving as "driving time" as well as odometer values and the speed of the vehicle. ¶ Regulation (EC) No 561/2006 stipulates that driver has also to record periods of "other work" and "availability". Council Regulation (EEC) No 3821/85 stipulates that periods of daily rest and breaks have to be recorded manually when the driver was unable to use the equipment as a result of being away from the vehicle. However, there is currently no obligation to record manually weekly rest periods. ¶ Concerning the location, the legislation requires drivers only to record the country in which he or she begins and ends his or her daily work period.

6.2. Uniqueness of the driver card

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

Answer 15 – Clearly, yes, because uniqueness of the driver card is crucial and should be checked whenever needed.

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Deleted: For the use of the digital tachograph, a driver needs to possess his own personalised driver card. The uniqueness of this driver card is extremely important to ensure compliance with the provisions on driving time and rest periods. The exchange of information between countries on driver cards that have been issued is therefore crucial. In order to minimise administrative burden, this exchange should be done electronically and in an automated way. Currently, there is no such obligation to exchange information in the legal body of the Regulation.

6.3. Warnings

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?

Answer 16 – It would have been clearer for anybody if the Regulation had foreseen warnings for drivers to enhance compliance with legislation on driving times and rest periods. This need is now lower, because tachograph manufacturers created a working group aiming to define such warnings, providing a base for a standardisation.

Software update capability of recording equipment provides a solution to change the warning computation in case of changes in the legislation.

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Deleted: The digital tachograph warns the driver 15 minutes before and at the time of exceeding the continuous driving time. This signal might be a help for drivers to comply with the legislation. However, changes in the legislation might lead to situations where the signal becomes misleading because of the difficulty to update equipment already in use.

7. OTHER QUESTIONS

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?

Answer 17 - Please refer to Smart Digitac program results (Word Package WPS), which provides a wide number of issues raised by the “tachograph community”. Some of these issues were tackled by Regulation 1266/2009, while other issues, which were out of the scope of the Smart Digitac project still remain. Some of these unprocessed issues concern Regulation 3821/85.

We would also welcome any funded project aiming at improve tacho graph legislation.

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

Answer 18 – For the user-friendliness aspects, we are confident that the competition between manufacturers, as well as the technical progress is sufficient to bring improvements.

The reliability of controls can be improved by capitalising techniques between all Member States and increase the quantity of controlled data through automatic means.

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Thank you for your cooperation

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The recording equipment is the central element to control the application of the legislation on driving times and rest periods in order to ensure road safety, fair competition and good working conditions for drivers. The digital tachograph is installed in more than 1.5 million

¹ Council Regulation (EEC) No 3821/85 of 20 December 1985 on recording equipment in road transport, OJ L 370, 31.12.1985, p. 8

² Council Regulation (EC) No 2135/98 of 24 September 1998 amending Regulation (EEC) No 3821/85 on recording equipment in road transport and Directive 88/599/EEC concerning the application of Regulations (EEC) No 3820/84 and (EEC) No 3821/85, OJ L 274, 9.10.1998, p. 1

³ Commission Regulation (EC) No 1360/2002 of 13 June 2002 adapting for the seventh time to technical progress Council Regulation (EEC) No 3821/85 on recording equipment in road transport, OJ L 207, 5.8.2002, p.1

⁴ Regulation (EC) No 561/2006 of the European Parliament and of the Council of 15 March 2006 on the harmonisation of certain social legislation relating to road transport and amending Council Regulations (EEC) No 3821/85 and (EC) No 2135/98 and repealing Council Regulation (EEC) No 3820/85, OJ L 102, 11.04.2006, p.1

⁵ Directive 2006/22/EC of the European Parliament and of the Council of 15 March 2006 on minimum conditions for the implementation of Council Regulations (EEC) No 3820/85 and (EEC) No 3821/85 concerning social legislation relating to road transport activities and repealing Council Directive 88/599/EEC, OJ L 102, 11.04.2006, p. 35

vehicles and used approximately by more than 3 million drivers, 35.000 enforcers and 900.000 undertakings in the European Union. From June 2010, the digital tachograph will become also mandatory for new vehicles used in the international transport by the non-EU Contracting Parties of the AETR⁶ which adds 22 countries outside the EU in Europe and in the Commonwealth of Independent States.

There is no compatibility between the old "analogue" tachograph and the digital tachograph: the analogue system continues to function with paper charts, the digital system uses tachograph smart cards. This side by side of two independent systems may lead to less efficient controls.

On the other hand, Council Regulation (EEC) No 3821/85 foresees strict interoperability criteria for the introduction of new digital tachographs and tachograph cards on the market. That means that new digital equipment has always to be fully interoperable with all the digital tachograph equipment that is already in the field.

However, some adaptations to technical progress of the recording equipment may lead to interoperability problems, and therefore to the necessity to introduce a new generation of recording equipment. In this case, the question arises to what extent a new generation should be compatible with the current digital tachograph generation.

Three options can be envisaged:

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.

Council Regulation (EEC) No 3821/85 foresees the possibility for the Commission to adapt the annex containing the specifications of the tachograph to technical progress but does not foresee how the changes are introduced in the field. Questions like whether a retrofit in vehicles using older equipment is necessary, or by what type of equipment defective equipment is replaced are not addressed directly in the legislation.

⁶ European Agreement concerning the Work of Crews of Vehicles engaged in International Road Transport