

Reply of the Ministry of Transport of the Czech Republic regarding the „Consultation paper – Revision of the Community legislation on the recording equipment in road transport (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?

R1: We assume the basic functions should be identical or at least very similar, as it is necessary for drivers, who switch vehicles frequently, to use different type of equipment without producing unavailing mistakes sourcing from complicatedness of the equipment.

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?

R2: Integration would be useful in case it causes minimal new demands for the driver. Primarily, the new type of tachograph should be as easy to operate and safe as possible, to decrease the threat of manipulation. We also foresee some practical problems (e-toll would be very complicated for example), as well as the possibility, that integration of further functions would raise the price of the equipment enormously. We still support the idea of open in-vehicle platform.

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

R3: Remote download should be possible, but it should not be mandatory and enforced through regulation. The carrier must be able to choose, whether he finds this tool useful. If so, he is the only person privileged to choose who will have the right to download data on distance.

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

R4: In our opinion it is not acceptable to make the data able to be downloaded without haulier´s knowledge. This topic is legally delicate and could cause problems regarding data privacy issues.

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?

R5: Mobile control of moving vehicles is also a very complicated topic. Once this method is introduced, it will hardly be possible to step back. As application of this procedure on passenger cars is hardly acceptable, we insist on checks being performed the common way, where the vehicle is stopped. This is also important in connection with administrative procedure and a possibility of the carrier to give statement to ascertained infringement.

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?

R6: GPS or the Galileo systems should be used in favor of the hauliers and drivers. We do not think that integration of Galileo data into the tachograph for the enforcement purposes would be an useful idea. Furthermore, it could significantly raise the price of the equipment.

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?

R7: This is more of a system problem, where different means of recording would not help. Exceptions must be generally defined in a way, which excludes the possibility of regime combination, not only because of the recording equipment, but most importantly because of working regimes combination, which is a current problem. In case of combination, one regime shall be prior to another, for example regime according to regulation (ES) 561/2006 over the national one. This would solve current situation, where in one day or week different regimes can take place (e.g. regular passengers transport in 50km radius).

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?

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.

R8: We prefer option 2 with the highest possible compatibility of all cards, also the data format must stay identical to be able to use the current evaluation software with the new tachographs. Only exception there would be standardized connector (ideally USB) instead of six-pin connector. Nevertheless, the price of equipment should not escalate. Option 3 is completely out of line.

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?

R9: We doubt mandatory retrofit would be a useful solution. Modernization of present equipments should be possible, but even in case of replacement of the defective equipment it should be the carriers' choice what kind of equipment shall be installed.

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.)?

R10: The necessity of more specific security solutions can be further discussed. However, it is important to carry them out very carefully and examine, whether it leads to adequate effect. Field tests take place already and we do not find any purpose of their further expansion (especially geographical).

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.?

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

R11: Having no legal specification on the security components is a major deficit in the current legislation. All discussed areas deserve further harmonization, which should be more complex in terms of the control bodies' equipment (and cover in particular a unified data evaluating software for the controlling authorities) and seals. For these reasons we support

option 3, minor questions may get further harmonized through standardization performed by technical bodies. Current situation is clearly not satisfying at this point.

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?

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

R12: From given options, the third one can cause threat of unfavorable impact on the homogeneity of the equipment. Because the opinions of the responsible ministries of the Member states and their delegates participating on the Committee are usually based on the expertise of their technical departments, option 2 seems fairly applicable. It is necessary to point out, that Commission should stay responsible for updating of the technical requirements; specialized body could prepare the individual steps though. We assume the technical body would be better suited to prepare update in a less time-consuming and administratively intensive way.

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?

R13: Yes. Some kind of quota and extent (e.g. like the 3 % of days worked by the drivers) of workshop checks could be defined analogically to the way the carriers and drivers are controlled.

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)?

R14: Only the same data the driver has to enter manually today should remain – that means data regarding the driver and his activities. We see no profit in more precise location recording. It should be possible for any type of tachograph to retrospectively manually enter the rest period of for example 60 hours, which is currently not possible in some types.

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

R15: In case the data exchange would be quick and flawless, the Regulation should foresee it.

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?

R16: This option should be left on the interest of carriers and abilities of manufacturers. Warnings are generally very useful, but in case there is too many of them, the utility can be decreased and it might on the contrary stress the driver more.

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?

R17: We give one suggestion for your consideration. The tachograph could have a mandatory standard function, which would automatically set the daily rest in the recording equipment in case the engine has been turned off.

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

R18: Suggestions to make the device more user-friendly:

- § sound warnings, so that the driver would not have to check the tachograph and still would know something is going on (optional, the haulier may set this up if he decides so, see answer to Q16).
- § to exchange of the 6-pin connector for USB one.
- § switching cards in case of multimanning sometimes takes too long – it should be easier (maybe allow to drive the vehicle in case of multimanning from slot 2). Faster downloading of data on the card thanks to different interface and connector would help.
- § the idea of using UTC time causes both contributive and problematic situations. When calibrating a tachograph a local time could be set, the unified evaluating software would in case of a control automatically display the time in the timezone of the location of the control, so that it wouldn't cause any problems to the driver, haulier or the controlling officer.