



MINISTERIO
DE FOMENTO

SECRETARÍA GENERAL
DE TRANSPORTES
DIRECCIÓN GENERAL DE
TRANSPORTE TERRESTRE

SUBDIRECCIÓN GENERAL DE
INSPECCIÓN DE TRANSPORTE
TERRESTRE

CONSULTATION PAPER

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

SPAIN - ANSWERS



In Spain there are several institutions involved in the Transport by road field. Ministerio de Fomento (Ministry of Infrastructures) and Autonomous Communities are the responsible for enforcement mainly in company checks. Guardia Civil and other Police Offices, are responsible for road control. Ministerio de Industria (Ministry of Industry) is responsible for type approval of tachographs and workshops. FNMT gives support to the Ministerio de Fomento in all the activities related with Issuing cards for Digital Tachograph. Most of the above mentioned Institutions have been collaborating in answering this Consultation Paper.

We hope our comments could help to improve the functioning of new generation of Digital Tachograph.

Sincerely

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Question 1 - 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?

All tachographs should work exactly the same way, should have the same minimum technical specifications required by the regulations, should provide the information required by law in the same manner and with the same format, in order to avoid any discretion in the operation and management of the equipment and the existence of possible advantages between using a tachograph from a manufacturer or from another.

With respect to differences admissible between brands, may be allowed storage capacity differences in speed of transfers and prints, improving the visibility of the display or selecting menus, etc.

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?

We are open to all the technological advances that improve the functionality of the tachograph. This equipment has some specific functions that neither should be altered nor should be made more complex by introducing others that are out to the control of driving and resting times.

The simpler the equipment the driver will have less chance of making mistakes in their management. Further, the interpretation by the manufacturers will be more limited.

All other functionality should remain independent of the above.

It may also have implications for "privacy" of the driver, whose impact must be analyzed retrospectively. (Violation of data protection and privacy law)



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

If it is possible the remotely download, their use should be encouraged because it facilitates the monitoring duties of the company and of the driver. However, it should not be considered mandatory for freelancers and small businesses because this type of discharge would be an imposition prejudicial for them.

Question 4 - 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?

As enforcers, we claim the it is necessary to spend too much time in downloading data (around five minutes to download a driver card), for what this aspect should be improved in next generation of recording equipment and devices, and it should be encourage by the Commission. It could help in this regard to add a USB communication port, to compulsory current RS232 port

Question 5 - 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?

If technology allows it, we consider very positive its development because any system that facilitates, the analysis by remote control of the tachograph functioning, it will become a huge improvement in the effectiveness of the control system on the road, which let us increase significantly the proportion of controlled vehicles.

Techniques for wireless screening with mobile vehicles should be developed only if together with the exchange of sensitive parameters, basic security objectives (authentication, integrity) are preserved. Otherwise, in our view all efforts will be useless



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?

The current level of security is not adequate because it is easily manipulated.

The existence of more than one source of movement prevent certain manipulations.

Our proposal is: That the tachograph is an integral part of the vehicle and, if there are two signals, apart from giving a warning signal, it is switched on a device that reduces vehicle speed to a specified value that could be defined.

For some time, vehicle manufacturers are comparing the speed signal received from the gearbox via the tachograph, with other internal systems of the vehicle themselves, both for the performance of the speed limiter to control braking systems and ABS, as for the electronic management of combustion.

Also regulations on vehicle emissions, to prevent fraud in the antipollution system provides that when a malfunction of this system it is detected, the vehicle automatically limits the engine torque and / or vehicle speed, after warning the driver.

As stated in Chapter 5 "System Driver inducement" of Annex XIII of the draft regulations for changes to the "Regulation (EC) No 595/2009 of the European Parliament and of the Council on type-approval of motor vehicles and engines with respect to emissions from heavy duty vehicles (Euro IV) and on access to vehicle repair and maintenance information "

Both the comparison of two signals of vehicle speed, as the comparison of the signal received by the tachograph sensor with a GPS, It looks good for any malfunction or tampering. What matters is what level of guarantee is there if the second signal received from the vehicle or GPS, is not handled well.

If the tachograph was a system within the overall scheme of the vehicle type approval of Directive 2007/46, and therefore under the direct responsibility of



the vehicle manufacturer and subject to production control and conformity into service, greatly improve the reliability of system, whatever that processes signals and compares the tachograph.

Similarly, if you used the procedure already used to prevent fraud in the emission control to reduce speed to 40 km / h in case of discrepancy of data it will discourage from manipulating the system.

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?

No significant administrative burden to comply with the provisions of 561. When it is performing activities in the scope of the R ° 561, must comply with the provisions therein, thus avoiding unfair competition with other carriers.

It is now possible to use different means of registration of such activities when it is under the scope of the 561 and when not. We think that if you use always the tachograph, the management is simpler

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?

The only valid option is option 2, which is also projected in the Regulation 1360/2002.

In general, it should be considered the following interoperability:

VU with the vehicle.

VU with the sensor.

VU with the cards.

VU with calibrated equipment.

VU with the transfer equipment.

VU with control equipment. (2009/4/CE Directive of 23 January 2009 (art. 1.2))

There is a classical figure in the repair of tachographs which is the "exchange in service". It means of replacing a VU or a faulty sensor by other used (not



new) and repaired by the manufacturer's headquarters tachograph.

The "exchange in service" is a necessity that allows for proper repair of malfunctioning tachograph, it is made by specialized centres under the direct control of the manufacturer, avoiding prolonged immobilization of the vehicle at a reasonable cost.

The alternative of replacing always a VU for another of new generation is nonsense that unfairly penalizes the carrier and may lead to interoperability problems.

That said, in answer to the question, option 3 is inadmissible. At least the cards must be interoperable, in another case, as the driver can not have more than one card, it could cause a cessation of fleets.

Option 1 would be impossible, since forcing all manufacturers to check VU interoperability with all existing vehicles.

However, we insist in not to require the retrofit of tachographs to the new generation when it has to replace a component of a tachograph

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?

Although not accept the proposed introduction of the tachograph in the overall scheme of type approval of vehicles, according to Directive 2007/46/EC, we must draw lessons from the many years and from approvals granted. For the introduction of new recording equipment should only be considered the date of registration of vehicles. The new tachographs should be required only to vehicles registered after a certain date, of course after at least three years for the publication of the new rules.

All experiences about the retrofit have been disastrous and caused more problems for the carriers and the administration that they have resolved, regarding safety and competence.



Of course we are fully committed to the inclusion of the tachograph in the overall scheme of type approval of vehicles, for reasons explained in Question 6.

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.)?

We think the functional tests currently required in Annex IB are more than adequate and no further testing is needed.

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 mentioned four fields have different implications for the system:

- ⇒ seals or sealing systems require by one hand a definition of where they settle, and the same criteria in terms of points required to be sealed in all Member States and in AETR Countries. On the other hand, must also be defined in a harmonized way what type of seal should be installed in each case and what are the specifications required. Finally it should be mandatory EC type-approval of each seal to be used both in Member States and AETR Countries.
- ⇒ For equipment or transfer and control, we think the only requirements are the existence of interoperability with all the VU on the market.
- ⇒ Another case is the equipment for calibration. In these equipments it should be analyzed 4 questions:
 - § If the teams are interoperable with all existing market VU.
 - § Systems which are used for the measurement of w , k , l real time UTC and are considered valid throughout Europe.
 - § Calibration of this equipment.
 - § Procedures for determining alternative to the measurement errors on the track at 50 km / h and 1000 m that are considered valid at European level.
- ⇒ For the 3 options outlined, clearly we chose option 3 for all cases. The possibility of making periodic inspections at any MS and circulation of vehicles throughout Europe requires a common interpretations and uses all MS.



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?

From our personal point of view the present situation, which limits the Commission, assisted by the CAPT, the power to amend Annex IB as a whole seems greater assurance system from the point of view of maintaining the operational and safety tachograph. Any alternative that allows manufacturers to take the lead on the regulatory functions of the tachograph can cause problems in the functioning of the system.

The preferred option is Option 1

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?

Of course, every effort should improve the security of good practice in the workshops, with regard to interventions on digital tachographs.

It is difficult to make harmonization rules on requirements for the workshops, because the schemes adopted during many years by different MS, became impossible to establish.

If you could, based on the document "Guidelines to approve Workshops" which was prepared in 2004 by the IDT, create standards that were mandatory in all MS.

In Spain Tachograph shop authorization as required by Partners, managers and staff have no involvement in the trucking business. It appears that other MS if allowed, but not know how to manage any conflict of interest

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)?

- a) be manually entered data for that day's activities and who are no longer recorded by the tachograph itself.



- b) should be recorded automatically in the same activities that are currently registered (drive, speed, errors, etc.).
- c) Of course it would be essential to record more accurately the location, namely the country and locality wherever possible to do automatically (eg with GPS or similar)

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

Definitely, yes. In a control is important to know whether the card is valid or not. And, without infringing data protection law, should be public, for all states, the access to the data shown in the driver cards.

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?

We think that the regulation should not provide explicit warnings. This requirement should be considered optional and should be the manufacturers who decide to include it if deemed necessary. However, in our view, it is a good idea to establish warnings in all aspects that concerns the prevention of infringements

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?

As mentioned in question 11, is considered necessary to establish a harmonized way in all MS what connections or components of the digital tachograph must be properly sealed and what are the features that should have seals to use. Similarly to establish a procedure for approval of such seals. That is, it should be clearly established: a) the place of sealing, b) seals (shape, appearance, etc..), And c) the inviolability of the connecting cables.

It is proposed to change the requirement 251 and the addition of 251A and 251B requirements of Annex IB to Regulation 3821/85/CE, as suggested below:



251 The requirement reads as follows:

251 must be sealed the following:

- ⇒ Motion sensor, once inserted, to the gearbox.
- ⇒ connecting cable to the vehicle unit motion sensor.
- ⇒ cover (shroud) from the junction box of the vehicle unit, after completing the connections.
- ⇒ The installation plate, unless it is fixed in such a way that can not be removed without destroying the markings on it.

It adds the following requirements:

251A The bands will use the general characteristics, functions and manufacturing conditions specified in Appendix 13 (to develop) of this Regulation. Also, be approved, installed and verified as specified in that Appendix.

Connection cables 251B motion sensor to the vehicle unit shall be protected by a continuous coating, steel sheath with crimped ends that.

The following appendix:

Appendix 13 (to be defined)

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

All efforts should be addressed to ensure the inviolability (non-handling) of the tachograph by any means, to correct the current ease to manipulation

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