

CONSULTATION PAPER

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

Respondent: Romanian Road Transport Authority – ARR, Romania

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The Romanian Road Transport Authority -ARR, is a specialized technical body within the Ministry of Transports and Infrastructure dealing with road transports, and is intended to ensure the inspection and supervision of road transport of goods and passengers, for the compliance with the national and international legislation, the issuing of road transport licenses and digital tachograph cards, ensuring the coordination with equivalent bodies in other Member States with regard to the harmonization of road transport legislation, including social regulations.

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Question 1 (Functioning of the recording equipment) – Yes, it is advisable that the equipments function in the same way regardless of the manufacturer, being a convenient aspect for both drivers and enforcement officers, who have to do frequently with all types of equipments. Especially, the menu for introducing data should be simplified at its maximum so that it is the same for all types of recording equipment (tachograph).

Question 2 (Integration of ITS – Intelligent Transport Systems applications) – For the authorities, with the purpose of enforcement of the legislation in force, the integration into an open in-vehicle platform of real-time tracking and tracing e-systems, charge systems, recorder for accident investigation, etc. is without doubt very useful. However, the opinion of the manufacturers is of maximum importance in the process of choosing the optimum technical solution for the implementation of these systems.

Question 3 (Remote download of recorded data) – Remote download of data recorded is useful in case of checks at the premises, having access to recent data for the vehicles which are being operated on at the time of the check. Also, not to mention the advantages that present themselves to the road transport operators who use this kind of procedure; however, keeping in mind the supplementary costs, it would be advisable that the road market decides on the level of using these systems, of course only by ensuring data integrity.

Question 4 Downloading data on detailed speed of the vehicle considerably increases the time needed for performing the operation, while exceeding the speed is separately signalled as events, even if the detailed speed is not downloaded.

Question 5 (Improvement of controls) – The mobile control of moving vehicles is, no doubt, very useful in increasing the efficiency of roadside checks, especially in warning for exceeding the speed limit, disregarding the legal provisions for driving times and rest periods, or driving without use of driver card (recent and/or real-time events).

Question 6 (Security level of the system) – The use of data referring to the motion of the vehicle, data coming from other sources than the motion sensor of the tachograph, including the GPS recording, are without any doubt useful for detecting any tampering of the recording equipment, however these recordings, in order to be accurate, must be relevant from a legal point of view:

- Will this sort of recordings show clearly and beyond any doubt that the recording equipment has been tampered with?
- Will this sort of recordings be taken into account by a court of law?

Question 7 (Scope of the Regulation) - No, because such a provision would lead to abuses. Within the scope of Regulation EC 561/2006, how much would “occasional use” actually mean? In the absence of the recording equipment, how could this occasional use be efficiently determined at the time of a roadside check?

Question 8 (Compatibility and interoperability) – Option no 2: the new generation digital tachograph should remain compatible with the current cards, charging cables and sensor connection.

Question 9 (Introduction of equipment based on new specifications) – The legislation should specify how new equipment is introduced in the field, a retrofit being also possible, but not mandatory. As for the essential steps in introducing new equipment, one should be the time-frame necessary for the enforcement bodies to implement the respective provision. Also, regarding from the enforcer’s point of view, it is irrelevant whether the type approval for tachographs falls under the general type approval scheme for vehicles, or not.

Question 10 (Introduction of equipment based on new specifications) – Field tests must be kept out of scope and require permission from the national competent authorities. These field tests should be possible, and made with rigor: one should also pay particular attention to possible vulnerability to manipulation. There should not be any influence on the level playing field and / or road safety.

Question 11 (Equipment in relation with the tachograph where no type approval is foreseen) – Option 3 is, from an enforcer’s point of view, the most suitable one. Legal challenges would be avoided by having a community legal framework for downloading and analysing equipment, e.g. seals, calibration tools.

Question 12 (Adaptation to technical progress) – From the enforcer’s point of view, option one is the most suitable one.

Question 13 (Installation and inspection) – There is significant evidence to the fact that the complicity between transport undertakings and workshops is leading to the circumvention of social legislation provisions (driving periods and rest times), speed limit, etc. It would be advisable to

include in the EU legislation sanctions against the workshops that are conspiring with transport undertakings to circumvent legislation.

Question 14 (Automatic and manual recording of information) - For the time periods when the driver did not have access to the vehicle, the equipment should allow the manual recording of data on “availability”, “other work”, breaks, daily and weekly rest times. Although at present there are no specific provisions for the manual recording of weekly rest times, the compliance with these rest times must be checked according to Directive EC 22/2006 (Annex 1), both at the roadside as at the premises of the road transport operators. To the information currently recorded automatically by the recording equipment, it would be advisable to add some more precise recordings on the starting and respectively ending points of the journey for the working days.

Question 15 (Uniqueness of the driver card) – the use of „Tachonet” system

Question 16 (Warnings) – For enhancing the compliance of provisions on driving periods and rest times, it would be useful to have provisions on regulations related to recording equipment automatic warnings, not only for continuous driving period, but also for the start of the daily rest time and / or maximum daily driving period. Such functional characteristics should not be left at the manufacturers’ decision making.

Question 17 We have no other comments or suggestions

Question 18 No.