

UK Department for Transport

Response to the Consultation on Revision of the Community Legislation on the Recording Equipment in Road Transport (Tachographs)

Introductory Comments

1. This response is the Department for Transport's initial view on the plans outlined in the Commission's stakeholder consultation document, following a short informal consultation of our key stakeholders.
2. This initial view is not intended to be seen as a formal UK position on any proposals which are brought forward as a result of the Commission's consultation. We would need to consider carefully any specific proposals and the associated cost benefit analysis before reaching a formal position.
3. Throughout this document an increase in costs for industry (drivers, operators and Member States) is highlighted as a concern, and will be a key consideration for the UK if/when any specific proposals are released.
4. Consideration as to whether to bring forward proposals, particularly if these may involve significant or legislative changes, should not start with a presumption for change. It may be better to give the existing system time to become more firmly established and avoid any quick changes that could lead to at least 3 types of tachographs on the market (analogue, digital and 2nd).
5. If the Regulation governing the tachograph is to be revised or replaced, the core functional consistency in the design between the different manufacturers must be maintained. Whilst innovation and technological improvements might be considered, this should not result in an increase in costs for operators or governments as a result of a requirement to invest in training or additional equipment (for tachographs and data exchange). Changes should also not lead to an increased risk of driver errors and infringements due to the use of different makes of tachograph.
6. The end user should be foremost in future considerations. Any changes to the tachograph should aim to help operators to adhere to the EU drivers' hours rules set out in EU Regulation 561/2006.

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?

7. The key considerations are reliability, security, ease of use and cost. For transport workers, their employers and enforcement officers (i.e. the users), it is important that the equipment of different manufacturers

functions in the same way for ease of use, understanding and for transparency reasons. Any change in the current Regulations should maintain a framework of core functionality in the design of the tachograph so that the basic operations of the device remain similar in all future models, most notably in the human-machine interface.

8. The need for additional training should be minimised. It is essential that the end users are not required to become familiar with different versions that will lead to increased costs (drivers, operators and enforcement officers).
9. For enforcement purposes, it is essential that the recorded activities of the driver are accurate, can be readily monitored by one piece of enforcement equipment without significant additional costs and cannot be manipulated. It is also essential that existing equipment should not be made obsolete through changes to legislation before it reaches the end of its life.

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?

10. While any revision of the legislation could foresee the possibility of a tachograph running on an open in-vehicle platform, it should not mandate the fitting of such a platform to vehicles. Requiring an in-vehicle platform solely for the purpose of running a tachograph application could impose an unjustifiable cost on the end user, particularly on Small and Medium-sized Enterprises (SMEs).
11. Any proposal to specify or regulate for an open in-vehicle platform with the potential for multiple applications would need to be accompanied by a cost/benefit analysis and impact assessment. An open in-vehicle platform might offer benefits in terms of interoperability and in reducing the number of separate systems and equipment fitted to a vehicle but that would seem to be an issue that goes much wider than a review of the tachograph legislation specifically. If such a platform were to exist in future, then a tachograph application could be developed for it, so long as the application complied with the same performance requirements as a standalone tachograph.
12. We would want decisions on whether to include other regulatory applications on the platform to be the responsibility of national regulators, except in those cases where European requirements already exist. And even in those cases, we would want to see and consider carefully a full cost/benefit analysis and impact assessment of what regulatory applications it might be beneficial to include. It would be essential, in any

case, to ensure that any other applications – whether regulatory or optional - did not interfere with the operation of the tachograph.

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

13. Remote downloading of the digital tachograph data should be available as an option, but should not be a compulsory requirement. Industry tell us that both remote and manual downloading are used depending on circumstances (for employers and drivers) and the mixed approach offers important cost and practical flexibilities that should be preserved.

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

14. This question is essentially aimed at industry users. Informal feedback from industry stakeholders suggests there are some concerns about the speed of downloading but, although improved download speed would be beneficial, the current situation is generally acceptable.

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?

15. Whilst the remote transfer of data might be useful to allow roadside enforcement (control) officers the ability to remotely detect infringements as a means of improved targeting that might bring efficiencies to the roadside enforcement process, we would need to see and consider a full cost/benefit analysis on any proposals the Commission might be considering, including the balance between enhanced roadside enforcement and greater educational compliance work.

16. The use of mobile controls should not be mandated. Any move towards a third party being able to control moving vehicles because of tachograph violations would need to be subject to a very detailed cost benefit analysis that took full account of the precedent such a proposal would be setting.

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”, Galileo, be used as a second and independent source of motion to ensure security of data?

17. The current level of security, taking into account the recent Regulation (EU) 1266/2009, is generally acceptable from an enforcement perspective. The benefit of standard equipment means that enforcement officers can detect manipulation devices. Whilst, as indicated in our response to question one, manufacturers should be given more freedom to develop

cost-effective solutions to recording recording motion (driving time) this should not result in increased complexity for enforcement officers in detecting offences.

18. Any source of motion, including GPS, has the potential to be shielded or manipulated. Therefore, any proposal for new legislation might need to focus on manufacturers presenting what they believe to be cost-effective solutions to security issues (which may include GPS or multiple speed signals). The legislation could be flexible in this respect but in any case the first step would be for the Commission to present a detailed cost/benefit analysis and impact assessment. However, it does also need to provide sufficient control to ensure that different types of manipulation devices can be identified and found in the future. If there are too many versions, then it might be difficult for enforcement officers to identify manipulation devices.
19. If any change to the existing tachograph legislation is proposed, it should not specify which version of Global Navigation Satellite System (GNSS) to use.

Question 7 – In case a vehicle is only occasionally used in the scope of Regulation 561/2006, for example when exceeding from time to time the radius set in some exemptions, should it be possible to use different means of recording activities?

20. Although the requirement to record activities for vehicles only occasionally operating in scope of Regulation 561/2006 is essential for enforcement purposes, there is a concern that the process for doing this is burdensome. This is especially the case where manual records are required from the start of the fixed week. Therefore, it may be
21. worth considering whether a more effective, quicker and simpler method of recording other work manually on the tachographs might be possible.

Question 8 – 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.**

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?

22. There should not be a presumption for change. It may be better to give the existing system time to become more firmly established and avoid any quick changes that could lead to at least 3 types of tachographs on the market (analogue, digital and 2nd generation).
23. If a new generation of recording equipment is proposed, it is essential that additional costs to employees, drivers and enforcement officers are prevented. Therefore any new generation of recording equipment should be fully interoperable with existing enforcement equipment and driver cards.
24. The costs and benefits of options 1 and 2 would need to be weighed up carefully. Any proposals would need to be supported by a cost benefit analysis and impact assessment.

Question 9 – Should 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?

25. Any introduction of new equipment should only apply to new vehicles from a specified date. Retrofitting, i.e. fitting equipment to a vehicle already in service, should not be required as it would impose unnecessary cost to businesses, especially SMEs who may not replace their vehicles so regularly and would therefore be more likely to be caught by any retrofit requirement.
26. In addition, vehicles may need to be taken out of service whilst the new equipment is fitted. Moreover, in some cases older vehicles do not have the correct technology to be able to be simply upgraded with the new equipment and extensive modification may be needed. Both would impose a cost and inconvenience upon the vehicle operator which should be avoided.
27. There could be benefits if the general type approval of vehicles recognised the possibility of installation of a tachograph. The general type approval rules could be modified to require a designated location where a tachograph could be fitted, if one was likely to be required. This would only be necessary for vehicles likely to need a tachograph. This would ensure the manufacturer left sufficient space to fit a tachograph display and controls, within reach of the driver and in an optimal position. However, the effects of such an approach on the other aspects of tachograph legislation would need to be considered in detail alongside the costs, benefits and impact assessment.

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 tests be limited (geography, number of equipments, duration of the field test, etc).

28. It is good practice to undertake testing of new equipment before it is released to the market, provided that road safety is protected and it is done in a controlled manner.

Question 11 – The current legislation does not provide for detailed requirements in the following fields: seals, downloading equipment, control equipment, calibration tools.

Three options can be envisaged:

- **Option 1: Do not change the current situation.**
- **Option 2: Optional standardisation of this equipment through technical bodies.**
- **Option 3: Community legislation.**

29. It is important to ensure consistency across all member states. The varying test requirements across EU Member States mean that an equipment manufacturer must currently go to the expense of having equipment accepted in each country via a separate process.

30. Each Member State has a different view on what is acceptable for calibration equipment accuracy, download tool capability, and so on. This leads to varying calibration standards, varying accuracy of downloaded records and varying approaches to enforcement.

31. Standardisation should apply to calibration equipment for workshops, download equipment for operators and the seals used on the systems. However, Enforcement/Control equipment should be the technical responsibility of the control organisations and therefore should not be standardised, as they do not need the protection that comes from standards. Furthermore, the way in which data is provided and analysed is important for prosecution proceedings, and the trail of evidence needed may vary between Member States.

Question 12 – Is the current way of updating the specifications of the tachograph satisfying? Who should be responsible for the updating of the technical requirements?

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.

Which is your preferred option?

32. Option 1 reflects how technical updates are handled at present: such updates are made by way of EU Regulations, which are directly applicable (which means that transposition is not required). However, the existing UK enforcement regime will usually need to be updated to reflect this, and this is usually done by way of secondary legislation.
33. Under Options 2 and 3, the issues of how technical updates would be handled, transposed into the existing UK enforcement regime and a consideration of the implications for effective enforcement (if, for example, manufacturers were to set the specifications for their own equipment), would need to be addressed.
34. It is essential that all stakeholders, including Member States, are actively involved in the process of negotiations surrounding possible revisions to the technical specifications of the digital tachograph. We therefore support Option 1.
35. If there are any proposals for change to the current process for updating the specifications, there need to be clear arguments for doing so, with the costs and benefits of any proposals clearly defined, to allow the impact to be understood and to protect the interests of all stakeholders.

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?

36. It is essential that the trustworthiness and standard of workshops across Europe is consistently applied. Any proposal to improve this, for example through an audit scheme, would need to be accompanied by a full cost benefit analysis so stakeholders could fully assess the likely impact.
37. Appropriate penalties need to be imposed by Member States for any fraudulent activity by workshops.

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).

38. It should be possible to hold all necessary records on the driver card, with no need for additional paper records or attestations, because this leads to increased burdens for Industry,
39. Recording location data would be beneficial for enforcement purposes.

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

40. The costs and benefits of electronic data exchange between card issuing authorities need to be carefully assessed, as whilst the exchange might enable the uniqueness of the driver card to be better maintained, the extent to which enhanced electronic data sharing adds significant value to current compliance and enforcement activity would need to be demonstrated clearly.
41. Commission Recommendation 2010/19/EU for levels of data exchange and checks between Member States has only recently been introduced and additional enhancements may be premature. Any further development of electronic data exchanges is likely to be expensive and there may be complex data sharing issues that will need to be explored
42. For Member States, the exact means of exchanging data should not be specified too narrowly. The security of any data exchange mechanism needs to be sufficient to be endorsed by all Member States.

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?

43. Raising awareness and educating drivers about the risks associated with driving tired and the importance of complying with drivers' hours and working time rules through warning systems would appear to offer a helpful tool for drivers, but should not be mandated at the current time. It will be interesting to learn what responses you receive from industry on this.

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?

44. The Commission could consider the possibility of combining the driving licence, tachograph and driver CPC cards onto one single card. Each follows a very similar format and security featured approach and combining into a single card could provide efficiencies and customer service benefits in not having to issue and hold multiple cards. However, in addition to the practical considerations (not least in terms of aligning existing legal requirements), there may be significant initial costs for Member States and any proposal would need to be accompanied by a full cost benefit analysis.

45. It would be also be helpful useful if any revised Regulation were to clearly state what should happen when cards expire (e.g. whether there are warnings or specific activities that should be recorded).

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

46. There may be merit in considering the relative effectiveness of European-set quotas for roadside and operator-premises based tachograph enforcement activities. Although the principle of a mixed approach is seen as valuable, greater flexibility to suit local circumstances might be helpful.

Final comments

47. This response is an initial UK response. Any formal UK position would be subject to a formal consultation after precise draft proposals for change are published (if this is the outcome). Member States should be given sufficient time to consult on any future proposals (in the UK this would typically take around six months from the time of the release of any proposals).

48. Any proposals from the Commission for change should be accompanied by a full cost benefit analysis and impact assessment.

49. In addition, there should not be a presumption for change. The 'no change' option also needs to be considered (note: it may be better to give the existing system time to become more firmly established and avoid any quick changes that could lead to at least 3 types of tachographs on the market (analogue, digital and 2nd generation)).

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