

**Public consultation on the revision of the community legislation on the recording equipment in road transport (tachographs)**

***SAV OPINION***

*SAV is the Royal Professional Association of the Flemish goods transporters and logistics service providers*

**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?

*The equipment must not work completely identical, but has to be easy to manipulate – self-revealing. It can not be the aim that a driver who gets a replacement vehicle, needs half a day training or must read the manual, before he can operate the tachograph and go on the road with the vehicle.*

*By the further development of the recording equipment, the possibility to carry out upgrades to be conform new legislation or to adapt to the latest state of technology, should be taken into account.*

**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?

*When the possibility would be foreseen to integrate the digital tachograph in a platform, then this must stay a free option and may not evolve in the direction of an obligation. SME's have less means available to invest in this kind of systems and should be at a disadvantage.*

*The possibility to integrate other systems must be left open. It concerns partly systems for which no Community legislation exists, like fleet management systems, among which tracking and tracing,... The use of one platform for several applications, can limit in the long term the existing morbid growth in hardware and can reduce the costs. An integration in e-toll applications must be examined in function of the existing community legislation and in function of the national stipulations on toll ( weight limits are not parallel). Conditio sine qua non is that this systems are not only implemented to simplify the control activities, but*

*also because of the resulting benefits for the transport sector (ex. automatic registration of the countrycode by a GPS-link,...).*

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

*Remote download of the digital tachograph and the driver cards by use of on board units, must stay optional. Encouraging the use by the granting of subsidy is permitted, but encouraging the use by making it obligatory, even on the long term, is no option. SME's are seriously disadvantaged in relation to large companies, as they have often not the means, the people, the knowhow,... to equip their vehicles with on board units. An obligation would consolidate the position of the large companies on the back of the SME's.*

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

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

*It's very important that the download speed of data increases, in order to facilitate a quick and efficient download, without major loss of time. The possibilities to carry out upgrades should be kept in mind, to make higher download speed possible, as soon as the state of technology can foresee in it. Not only at the premises of the companies this will lead to a reduction of time loss, but also by checks on the roadside.*

equipment are not always unambiguous.

**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?

*The control on the respect of regulation 561/06 and 3821/85 have never been as severe as today. The transport sector pleads for a judging according to the spirit of the letter. The digital tachograph has made the interpretation and application already more difficult as it was. If the control of moving vehicles would be made possible, then all humanity concerning the interpretation of the data will disappear, again a disadvantage for the transport companies. No exceptional circumstances can be explained to the control authorities.*

*Besides, the control of moving vehicles would require that each vehicle is equipped with a system for mobile datacommunication. The costs involved to this are not in proportion to the potential benefits on road side checks. Benefits that are highly doubtful.*

*The current legislation is already completely written at the size of the control authorities. There's a need for an interpretation at the size of the everyday reality of the transport*

*companies. At the mean time it's important that checks are restricted to a reasonable time. It's up to the control authorities to specialize in the matter in order to facilitate quick checks and it's up to the control authorities to invest in up to date control equipment, that makes a fast check possible.*

**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?

*Today the data of the calibrated tachograph, are often the only data that are taken into account in the criminal prosecution of an infringement. Other evidence to discharge the accused, is often not accepted (ex. data of tracking and tracing systems,...). The information provided by Galileo could be used in the future to prove, that a driver had to face exceptional circumstances that made it impossible for him to find on time a place to take his rest. This option must be left open. It's essential that both control authorities and companies get access to the data registered with the help of Galileo.*

*Galileo will be probably most used as aid for toll collecting systems. The invoices concerning the payment of toll give not sufficient useful information to the transport companies, so access to the registered data is a must to be able as a company to become evidence to discharge.*

**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, everyone needs to respect the driving and rest times in the same way. Exceptions should be as restricted as possible.*

*For little movements on private territory the out of scope function can be used during the daily and weekly rest.*

*The providing of extra exceptions or facilities for those who are already exempted today, will lead to a further distortion of the market. Today unfair competition by companies falling under an exception is the order of the day: for example agricultural tractors that are considered not reaching a speed of more than 40km/h are exempted of the driving and rest times and do not have to be equipped with a tachograph. But in reality this vehicles are on large scale put into action for road construction. The drivers are not submitted to the driving and rest times, and can drive the whole day. In reality most of the agricultural vehicles that are used, can drive 60 to 70 km/h, but this is difficult to control. The abuses stay mostly unpunished. The only one punished, is the transport company, losing his job to this unfair competitor.*

*A more flexible system for those falling under an exception, would only cause more unfair competition.*

**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.

**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?

*Option 2: driver cards and company cards must be used further, just like the download equipment.*

*The use of two kinds of cards and download equipment at the same time, would cost too much money and would lead to a lot of confusion. The additional costs would be furthermore difficult to charge to the clients.*

**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?

*In general terms this question is difficult to answer. An introduction of new software can maybe pass off more smoothly than the introduction of new hardware. The EU has applied the possibility of retro-fit only in exceptional circumstances for commercial vehicles and has not chosen to do so at the moment of the introduction of the digital tachograph. It is advisable to do this neither for the upgrading of digital tachographs. When the characteristics of the new equipment are very positive and progressive, then a general and accelerated implementation will happen spontaneously. Apparently this will depend of the total cost of the implementation of the renewal.*

**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.)?

*It's desirable to carry out field tests before requesting type approval and before introducing new types on the market. Growing pains can be avoided that way, before bringing new equipment to the market. Errors/deficiencies can be filtered out on time. The test period must be limited in number and duration in relation to the impact of the changes on the equipment. The field tests should not be limited to some dozens of vehicles spread over the EU. A dozen of vehicles by member state is advisable. Because of the little number and the good follow-up of field tests, no specific security standards are required for this vehicles.*

*It's advisable to foresee for the field tests a schedule that requires several downloads.*

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

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

<p><b>Question 11</b> - Which option do you prefer and if you prefer option 2 or 3, for which parts: seals, downloading equipment, control equipment, calibration tools, etc.?</p>
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*Maintain option 1. It goes faster than the standardization processes (option 2). Adaptation of legislation takes a lot of time and ends often in a political game, option 3 should therefore be excluded.*

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

<p><b>Question 12</b> - 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?</p>
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*By option 2 and 3 there's a danger that the industry tries to bend the technological development to their will, taking into account especially the profit margins (where they can gain most money after), rather than user-friendliness, durability,...*

*Maintaining the comitology procedure seems the best option. Besides it's a European procedure that runs rather fast.*

*Sufficient participation of the concerned sector must be guaranteed, to avoid that development of innovations only happens in favour of the control authorities*

**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?

*It's important that there's a harmonization through European legislation, so that in all member states a same level of security can be guaranteed.*

*Till now there are no large-scale unpunished infringements from workshops spotted, that would require such an intervention.*

**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)?

*The registration of the country code via GPS may be foreseen, but must stay a free choice on the market. The companies must be free in their choice to invest in such equipment, like today the case is with the combination of digital tachographs with on board units, that make remote download possible*

*It must be forbidden for the member states to ask additional prove or registrations, than foreseen in the legislation. The big tangle of national exemptions causes a lot of troubles on the road and causes a lot of administrative burdens.*

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

*Yes, it's important that this information is electronically exchanged and compared to avoid misuse. It's important that drivers who commit fraud or try to fraud, can be filtered out. The determination of fraud or the attempt to fraud must be punished. The existing European policy to avoid double card requests by one driver, is especially set up for this.*

**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?

*Auditive warnings can be of great help and therefore deserve preference on visual warnings, who distract the driver from the traffic. But this is not a priority and may not be seen as a mandatory part of the tachograph, with the risk of enhancing the price unnecessary.*

**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?

*An obligation to mention, when selling a new vehicle, whether a new (or the newest ) type of digital tachograph has been build in and what the download speed is of that type of tachograph.*

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

*The tachograph must be build in at eye level, so the driver can see errors and warnings. The display should be better a bit larger and with a bigger colour contrast, to higher the visibility.*

*The speed registration should be saved in the memory for longer than 24 hours, in order to be able to prove traffic-jams and other problems by the saved data. The speed registration should be kept in the memory of the digital tachograph, for at least 29 days*