



FTA Position Paper on European Commission's consultation paper on the revision of the digital tachograph

The Freight Transport Association (14799073282-84) represents the transport needs of UK industry. Its membership is comprised of manufacturers, retailers, logistic companies, hauliers and organisations in the public and private sector. The Association's transport interests are multimodal and in addition to consigning over 90 per cent of freight carried on rail and over 70 per cent of sea and air freight its members operate in excess of 200 000 goods vehicles, approximately half the UK fleet.

Overview

FTA members are responsible companies that set out to operate in compliance of the law, in particular EU Drivers' Hours rules of Regulation 561/2006. They are the end-users of the digital tachograph who rely on the vehicle unit (VU) and driver card to ensure compliance with the aforementioned rules.

FTA welcomed the opportunity to input into the last round of negotiations on the digital tachograph, resulting in Regulation 1266/2009 amending for the tenth time technical annex 1B of Regulation 3821/85. FTA cannot stress enough the importance of the operators' perspective being taken into account during negotiations. It is absolutely vital that the end-user is included in the discussions between the European authorities, enforcement agencies and the tachograph manufacturers on the development of a next generation device.

The Association wishes to see a mental shift during this upcoming period of development of the digital tachograph in both characteristics and nature of the device. For far too long the tachograph has been viewed as simply an enforcement tool – the control officer in the cab. This mindset should be changed so that the digital tachograph is considered as a tool for aiding compliance. The vast majority of operators wish to get on with their job whilst respecting the rules and any alteration to the Regulation governing the tachograph should be done with the primary aim of assisting operators to adhere to the rules.

FTA agrees with the principle that the tachograph manufacturers should have the freedom to develop new products for the market however with this freedom also comes responsibility. The road transport industry is a highly fluid one with many drivers changing vehicles on a daily, sometimes hourly, basis. Road transport operators regularly hire in extra vehicles to cope with fluctuations in demand for their services. It is vital that when the new rules are drafted they retain a core functional consistency in the design of the tachograph between the different manufacturers that, whilst allowing for innovation and technological improvements, do not lead to increased driver errors and infringements when using a vehicle with a different VU.

Digital tachographs were effectively specified against technologies on the market in the late 1980s– early 1990s, before the development of truly digital equipment available to today's consumer. FTA's objective is the drafting of new rules governing the tachograph that facilitate the voluntary incorporation of developments that have taken place since the original specifications were drafted, ensuring that the full potential of these developments are utilised to guarantee next generation VUs are as user friendly as contemporary consumer electronics.

Responses to the Consultation

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?

FTA support the second option presented in the question with certain reservations. The widely accepted problem with the current digital tachograph is that the specifications are so specific that it was immediately out of date upon launch. FTA supports the concept that the rules stipulate what the device must do but are less prescriptive about the actual kit. By granting the manufacturers a certain degree of freedom on what they bring to market would ensure that the device keeps pace with technological advances, e.g. touch screen facility. FTA believes it would also encourage new manufacturers into the market with their own devices. In this respect, competition to offer the most intuitive device should only benefit the end user.

However this flexibility must be balanced against the reality of the industry – that drivers and operators come into contact with different types of vehicles on a daily basis. FTA wishes to see the new Regulation create 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. Drivers are required to input different pieces of information into the tachograph, if needed, and FTA believes that this interface should be standardised to permit ease of use for drivers who regularly swop vehicles. It would be wrong to allow wildly different VUs onto the market as this would create problems in the industry with drivers being unable to use certain vehicles until they had the specific training for that particular model. This would inhibit the free movement of labour and drive up costs to operators.

Regulation 1266/2009 has given the manufacturers such freedom of flexibility in the specifications governing procedures for manual entries. At the time FTA called on the manufacturers to act responsibly in the development of new procedures, given that the precise requirements governing manual entries has now been deleted and replaced with a more flexible legal text. FTA repeats this demand once more. It is vital that the end-user is permanently engaged in the development of new products to ensure their suitability for market and FTA asks that the Commission requires such a level of end-user participation from the manufacturers.

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?

FTA supports the integration of the digital tachograph into an open in-vehicle platform that would permit the voluntary addition of other in-vehicle ITS technologies currently on the market, such as telematics. Many operators currently operate vehicle fleets that already utilise such technology and the tachograph is sometimes viewed as ‘another box’ in the vehicle cab.

FTA supports the development of an open architecture approach to integration of ITS solutions in which the choice of which solution to incorporate must be left up to the operator of the vehicle. This would benefit the smaller operator who simply requires a digital tachograph to prove compliance with drivers’ hours rules and who is not in a position to purchase a more expensive model featuring high-end solutions. Further links to other systems should concentrate on feeding them with data from the tachograph head, rather than data feeding into the tachograph. All other functionality should legally be able to feed data from the tachograph but into e.g. an on board computer, which could have all these other features.

Such an approach would allow vehicle operators to tailor the system to their own specific needs and it should not be used as means of prescribing which new technology will be included. It would also satisfy the leased vehicle market whereby some operators lease their whole fleet where they must ‘strip out’ all ancillary items before returning the vehicle at the end of lease. An open architecture approach would allow them to spec out their vehicles how they seen fit and also remove any such additional ITS solutions when needed.

FTA would firmly resist any move to bundle ITS solutions in such a way that a breakdown of one component would require a replacement of the complete tachograph unit.

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

FTA strongly supports the possibility for operators to be able to remotely download data from the digital tachograph in a safe and secure manner, should they wish to use this function. This could represent an important saving in time for the larger fleet operators or for those drivers who do not necessarily return to base at the end of each shift. However this function may not be of use to operators whose drivers return to base daily and download their driver card as part of their shift pattern or for those operators who lack the means to invest in this solution. Therefore FTA believes that, whilst this development should be encouraged, there is no reason to pursue a regulatory approach to facilitate its widespread introduction as this could result in unnecessary extra cost.

Tachograph manufacturers have already brought to market a number of remote download solutions that operators are already using. It should be left to the market to continue this development with operators voluntarily opting in as their business model requires.

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

On general the speed for downloading data from the driver card is acceptable. There are issues over the speed of download from the VU, one large fleet operator reports 15 minutes for a partial VU download, with up to 40 minutes for a full VU download and up to 45 minutes for just a partial VU download in older Stoneridge models.

FTA supports a revision to the legislation that would remove this 'bottleneck' from the specifications so operators can enjoy the data download speeds currently seen on the market, e.g. 3G mobile technology.

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?

FTA believes that Member State compliance with the requirements contained in Directive 2006/22/EC governing the proper equipping and training of enforcement officers with digital download material would be significant step towards improving the efficiency of controls.

The move to a digital system should be linked with a step away from the necessity for paper records, unless in the event of breakdown, and therefore FTA asks that the Commission delete the second paragraph of Article 14(1) of Regulation 3821/85 as this is contradictory with the requirements of 2006/22/EC.

FTA sees little benefit to operators by permitting mobile enforcement controls of moving vehicles as a means of reducing the administrative burden; this is not the goal of a roadside inspection. During a roadside control the overall condition of the vehicle is inspected to ensure road worthiness alongside the inspection of the tachograph records. The Association strongly believes that this is the best method for preventing dangerous vehicles from circulating on European roads and any alteration to this situation may lead to a reduction in the number of checks on vehicle condition and this in turn could lead to increased road safety concerns. Enforcement of the rules must be done but it must also be seen to be done. Any provision to allow remote, mobile enforcement must include the remote checking of access rights, i.e. control card, before the data is released to stop fraudulent use of the information.

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?

FTA participated in the negotiations to prevent manipulation of the digital tachograph through *inter alia* magnetic devices attached to it and the Association supports all efforts to improve the security of the device to prevent errant operators from circumventing the rules.

FTA also welcomes the possibility of using a satellite positioning system to authenticate the time, speed and positioning data to ensure greater compliance of the rules. However FTA strongly disagrees with the wording of the question that implies that only the Galileo system will be permitted for this revision. The new Regulation must not specify which version of satellite positioning can be used as this restricts the market and freedom of choice to the end-user. The current technical specifications stifle innovation and market development by being over restrictive and prescribing Galileo as the sole technology will repeat these errors in the new rules.

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?

An alternative means of recording activities for a driver who only operates in scope of Regulation 561/06 once a week or irregularly would be welcomed however FTA would not support a return to the former 'log book' system of recording activity.

Currently the method of manual entries is burdensome if it is necessary to record activity from more than one day prior to driver card insertion, e.g. an occasional driver who is in scope only on Fridays needs to go back and add manual entries for other work and rest from the start of the fixed week until the moment of card insertion. However this requirement of data entry should remain. FTA believes it should be possible for the tachograph manufacturers to use the amended manual entry specification in Regulation 1266/09 to design a new system where blocks of time can be keyed in rather than scrolled through.

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?

FTA supports option 2. The driver card is personal to the driver and does not belong to his or her employer, therefore it is absolutely vital that any new model of tachograph is able to accept, identify and record the activities of the holder on the card. A driver holding a valid card should not be prevented from working due to the inability of the next generation VU to recognise the driver card. Such a situation would restrict labour market mobility, result in the necessity for the driver to hold multiple driver cards, which is not permitted, and would render enforcement of drivers' hours rules impossible.

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?

The ability for operators to voluntarily retrofit their vehicles with the latest technology could be encouraged although FTA rejects any form of mandatory retrofit requirement. This would have massive cost for the road transport industry and may not actually be possible on older vehicles.

Whilst there is currently a legal obligation to replace the analogue device with a digital device should the former break down, there have been few complete digital tachograph unit breakdowns reported. The main cause is the failure of individual components within the device therefore it is vitally important to differentiate between replacement of these components rather than the replacement of the entire defective VU.

The new rules must stress that it should be possible for the vehicle owner to only have to replace the defective *component* rather than the entire tachograph. FTA asks the Commission to recommend to the tachograph manufacturers to continue to produce components for older digital models and not use any revision of the rules as a means of obliging vehicle operators to purchase newer tachograph models due to withholding from the market these older components. FTA further demands that, in the event of a failure in one component and after confirmation from a tachograph workshop, the operator is still permitted to use the vehicle should the component not be available immediately at the time needed. It is not the operator's fault if a component fails and they should not be prevented from using the vehicle whilst the manufacturer works to supply the part.

Due to the requirement for a digital tachograph to be present in vehicles above 3,5 tonnes FTA would support the inclusion of the tachograph into the general type approval scheme for vehicles. The Association would welcome any type approval process that would position the VU in a convenient position for the driver, so he or she is able to glance at the screen from their natural driving position. Currently most VUs are placed either high up or low down in the cab rendering it impossible for the driver to easily read the information on the screen.

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.)

Although this question is directed more to the vehicle and tachograph manufacturers, FTA supports the possibility for field tests to be carried out. The vehicle operator has a clear interest in the provision of equipment designed and tested as close to real-life situations as possible.

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

11 – 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.**

FTA supports option 1 as it sees no need to extend type approval to ancillary items related to the digital tachograph. It is the responsibility of the Operator to ensure that they are abiding by the rules and collecting and storing data correctly.

Type approval requirement would also increase the cost of the ancillary products that would have to be borne by the operator.

Adaptation to technical progress

12 – The following options can 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.**

FTA members operate almost half the entire UK commercial vehicle fleet and its considered views must be taken into account during any future revision of the tachograph specifications. It is vital that all stakeholders are actively involved in the process of negotiations surrounding possible revisions to the Regulation and/or the technical specifications of the digital tachograph. Whilst FTA agrees with the Commission that the comitology process is “time-consuming and administratively intensive”, it nonetheless allows all stakeholders to input their views. This has been successfully demonstrated following an FTA submission to the negotiations that led to Regulation 1266/09 in which the section of text regarding manual entries was amended.

Should, however, option 2 be the chosen course of action, FTA requests the Commission oblige whichever standards body allocated to maintain the current level of stakeholder involvement in future revisions of the technical specifications in line with the current comitology process.

13 – N/A

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 tachograph should record as much information automatically as possible with minimal requirements for manual entries. This will assist in eliminating driver error through accidental misuse of the device as a result of unfamiliarity with any new model of VU.

FTA does not believe there is a requirement for weekly rest to be manually recorded by the driver as this can easily be determined from an analysis of the driver's records.

FTA believes that determination of location through a satellite location system, such as GPS, would be beneficial. Upon card insertion and card withdrawal a time/location data ‘stamp’ could be attached to the records.

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

Yes, FTA believes that this data sharing is vital to ensure that drivers do not fraudulently obtain second or third cards from different Member States.

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 that the continuous driving time?

The differing interpretations of Regulation 561/06 between Member States have rendered the system of warnings unworkable, notably as the current specification for breaks also includes periods of availability and any other unidentified periods of time. This could lead to driver confusion, with the risk of infringing break requirement, and possibly the driver ignoring the warnings altogether. Until there is a common interpretation across the entire European Union it should be left to a decision between the operator and the tachograph manufacturer as to how the system of warnings is used. If the specifications do contain requirements for warnings then it should warn for the 10 hour driving day, over 9 hours driving more than twice in a week, over 56 hours driving and over 90 hours in a 2 week period.

FTA believes that there is value in permitting manufacturers to include a warning if the chosen mode is 'break', and the driver switches on the ignition, or alters the mode switch to 'availability' and the device had recorded only e.g. 42 minutes of 'break'. This would ensure that the driver completes the statutory 45 minutes of break after 4.5 hours of driving.

An audible warning upon completion of 4 hours of continuous driving would be beneficial, and at subsequent 15 minute intervals. Currently the on screen warning at 4 hours and 15 minutes can easily be missed.

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?

FTA once again urges the Commission to regulate the default mode of the digital tachograph so that the VU automatically switches to 'other work' upon the switching off of the ignition. Different digital tachograph manufacturers have been permitted to place on the market VUs in which the default position can be altered to 'break/rest'. The 'other work' requirement follows the natural activity of a commercial vehicle driver who usually is required to perform other activities, e.g. loading, offloading or paperwork, after parking the vehicle. The driver should be required to consciously choose 'break/rest' and not the VU. There is a real danger of unintended infringements as fleets become more mixed over the years and drivers unknowingly take control of a vehicle in which the default setting is different to that of their last vehicle.

The Association believes that the Commission should actively look at work to incorporate the driving licence and the driver card into one single card.

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

FTA suggests that any future device should include a facility to enter a claim for the Article 12 exemption in Regulation 561/06 whereby the driver can enter this through the menu at the latest on arrival at a suitable stopping place. This should then automate a printout upon which the driver enters the reason for the delay and puts the enforcement authority on notice that either the driver or the operator will hold a printout explaining the Article 12 for investigation.