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Betreft: Public consultation - Revision of
the Community legislation on the
recording equipment in road
transport (tachographs)

Mr. Enrico Grillo Pasquarelli
European Commission
Dir. D – Unit 4
Inland Transport - Security of Land Transport
& Dangerous Goods
B-1049 BRUSSELS

Dear Mr. Grillo Pasquarelli,

Koninklijk Nederlands Vervoer (KNV), Royal Dutch Transport association, is pleased to submit herewith its response to the public consultation on recording equipment in road transport (tachographs).

The principle of free movement of goods established by the EU treaty has in past decades led to liberalisation of the road haulage market and dismissal of schemes for capacity management. In the same period a system has been installed to set limits to driving and working hours in order to ensure road safety and to establish terms for fair competition on satisfactory social standards.

The system was originally based on paper based forms, later improved with tachographs and ultimately with digital tachographs. The public consultation has been launched, because the technical specifications as laid down in the Regulation 3821/85 have become outdated.

Simply updating the technical specifications seemed to be the obvious short term solution. However, because of continuous technological progress this would imply that for length of days EU legislation needs constant periodical updating and is always behind on developments in technology. KNV is therefore pleading for EU legislation based on functional specifications to replace the detailed technical specifications of the current regulation. Such approach should moreover ensure the availability of systems and equipment for the lowest possible cost, compatible with other on-board equipment and produced in good competition.

The above plea is based on an interesting case in the Dutch taxi sector. The sector has in past years been liberalised and in the absence of European legislation made the step from a paper based registration directly to a modern system with on-board computers. The on-board computers are based on open source technology and legally prescribed functional requirements for the system. Even in the relatively small Dutch market a number of suppliers are now competing on price and quality of the on-board equipment for registration of driving and working hours.

The digital registration of driving and resting hours facilitates inspection and enables strict law enforcement. This has in recent years led to disproportionate fines and in 2009 to the establishment of the European disproportionate fines complaint desk in order to survey the problems.



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As regards these disproportionate fines KNV holds the opinion that because of the digital registration a rapid harmonisation of enforcement at European level is required. It could furthermore be expected that in the near future inspection can be carried out on the entire database on driving and resting hours of a company or by on-line electronic data exchange. KNV would like to launch the idea that if the driving and resting hours of a transport company are for 100% inspected by an official authority, it is exempted Europe-wide from other (road side) inspections.

Last but not least, KNV would like to emphasise that the ultimate purpose of the Regulation 3821/85 is efficient, free movement of goods. While working on the modernisation of this Regulation, it should be born in mind that also the Regulation 561/2006 at some stage needs to be updated and in particular simplified.

KNV wishes your staff success in its efforts on the updating of Regulation 3821/85 and kindly expresses its interest and availability to cooperate on the subject.

Yours sincerely,



Ir. A.J. Toet
Executive director Koninklijk Nederlands Vervoer

Annex to Dir.028-10/AT/ajv
25 February 2010

KNV opinion on the Revision of the Community legislation on the recording equipment in road transport (tachographs)

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 current regulation is based on detailed technical specifications in an attempt to harmonise the functioning of the equipment. KNV recommends that the Regulation specifies functional requirements, so that manufacturers are given freedom in complying in the most effective and efficient manner.

KNV and the Dutch Ministry of Transportation have acquired good experience with the specification of functional requirements in the case of on-board computer for taxi's, what is essentially a digital tachograph especially for taxi's.

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?

By specifying functional requirements the manufacturers are given the opportunity to integrate the (functions of the) digital tachograph in other on-board equipment.

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

The trend towards remote download seems to be imperative. Such trend does not need to be encouraged, but should definitely not be discouraged. By opting for the specification of functional requirements manufacturers can respond to remote download requirements, if and when customers demand such additional function.

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

Download with technology currently applied in digital tachographs is too slow. Download hinders efficient transport operations. Legislator can specify minimal download speed in the functional requirements and subsequently manufactures can adapt the equipment

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?

Faster and remote download will facilitate control. Harmonisation of control in EU Member States and introduction of certain margins for violating legislation on driving hours is required.

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

The question is whether suspected fraud can be easily detected. If there is a fair suspicion for fraud, the inspection/control authority should be entitled to combine informations from various sources e.g. from road user charging systems. The possibilities of GPS can also be used to downgrade the time-consuming initialisation of the equipment by the current driver.

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 opinion

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 requirement on compatibility should be in the form of functional requirements. As the driver cards are issued by (bodies on behalf of) the member states, these cards should be compatible.

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?

Retrofit must be allowed and mandatory with defective equipment, but in general KNV rejects this suggestion, because there is a chance it would delay 'type confirmation procedures'.

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.)?

In view of the many problems with the current generations tachographs, time is of great importance.

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.?

KNV opposes additional EC legislation on technical specifications and recommends that the additional equipment is harmonised through functional requirements.

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?

KNV strongly prefers option 3, whereby the Regulation sets the basic principles together with and functional specifications.

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?

Fraud with digital tachographs is illegal.

A manufacturer of printing machinery can accept orders for equipment to produce counterfeit money. That does not mean we should check the trustworthiness of every factory producing printing machinery.

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 data for enforcement of EU legislation on driving hours should be recorded manually or in another manner. The registration of additional information should be optional, but may well serve the interest of the driver or his employer.

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

There should not be such an obligation. Keep it simple.

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?

The Regulation should be kept as simple as possible. Warnings are optional functions.

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?

More sense of urgency is needed!

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

Is it really necessary to limit the life period of the drivers card to 5 years? From cost efficiency 10 years is preferable.

As regards user-friendliness KNV urges EC to pay attention to the cost of the registration procedures and equipment. KNV also notes that drivers cards are issued by national authorities and that a large variety exists in prices for the cards, while cards are technically identical. It should be made possible to order the cards in an EU member state of choice.