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The Irish Road Haulage Association is the recognised representative body for licensed road hauliers in Ireland. As such, we represent the views of Irish national and international haulage operators; from large transport fleets to owner-drivers. The Association seeks to promote professionalism, excellence and road safety in the transport industry. In this capacity, the Association wishes to make the following response on behalf of its members to the European Commissions Paper 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 IRHA is in favour of providing digital tachograph manufacturers with an appropriate degree of flexibility concerning the device's technical specifications. There should be sufficient scope for them to innovate and steadily improve the performance of the device. In this way it should be possible for the device to keep pace with technological advances and to correct faults without recourse to a legislative process for changing the specifications.

However, this flexibility should be carefully balanced with the need to maintain a basic similarity in the core functionality of different tachograph models. This is especially important to support drivers regularly using more than one vehicle with different recording equipment and to minimise training requirements.

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?

The IRHA is in favour of the development of an open architecture platform which would facilitate the integration of varied ITS telematics based applications in order to save costs for installing multiple devices providing different services.

Such ITS applications must be standardised, harmonised and interoperable in order to improve the effectiveness and reliability of transport as a whole. Moreover, the application of ITS must be, to the widest extent possible, on a voluntary basis. Road transport operators must be able to maintain freedom of choice when selecting the ITS equipment and applications. The Association sees this as an opportunity for decision makers to facilitate industry's voluntary investment and uptake of new technology. It should not be treated as a means to introduce new mandatory requirements for new equipment for use on board vehicles.

Finally, it must be emphasised that any data generated by the various applications comprising the 'in vehicle platform' should be fully under the control and accessible only to the vehicle owner. Overall, there should be strict adherence to data privacy norms in the interests of the vehicle owner. Thus strong data protection safeguards must be hardwired into the concept of the in-vehicle platform from the outset.

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

The Association is of the opinion that remote download of the digital tachograph should be encouraged but it is important that industry should be free to decide whether or not to invest in a supplementary feature of this kind. Since it is not essential for fulfilling the digital tachograph's primary functions and the Regulation's objectives, it should not be mandated. As an aid to operators, the value of a remote download feature may be considerable in a company with a large vehicle fleet, but totally unnecessary for a one vehicle company where a manual download is sufficient.

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

Road transport operators, while conscious of the improvements that have been made in download speed since the first digital tachograph were launched in 2006, would naturally like to see further increases in download speeds.

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 IRHA strongly supports any practical measures to reduce interruptions to transport operations from road side controls, while at the same time maintaining a reasonable level of enforcement.

However, the Association will not support the suggestion of the Commission that control authorities could have remote access to the data recorded on the digital tachograph for enforcement purposes. Firstly there are substantial data privacy issues, but in addition to this, the whole approach is untenable in view of the serious lack of harmonised enforcement of the Driving and Rest Time Rules Regulation No 561/2006/EC. The automation of controls would produce an intolerable situation and potentially the abuse of such systems as revenue raising opportunities. It would result in a massive multiplication of incorrect sanctions, disputed fines and increased administrative burdens for both industry and authorities.

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?

The Association believes that the current level of security is appropriate for the system. The European Commission should not seek to radically raise the level of security – for example through an independent satellite based positioning signal - but it should seek to maintain it at its currently proportionate levels.

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?

If a vehicle is intended for use by drivers on transport activities which fall outside the scope of the Regulation, by virtue of an exemption, that vehicle should not be required to be fitted with a tachograph nor should that driver have to use an alternative system of recording his hours. However, if it is known that a driver may occasionally come within scope of EU driving and rest time rules, no matter how infrequently, the IRHA believes that such drivers must comply fully with the Regulation, using a tachograph and no other alternative means of registering his activities.

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 tachograph's and the current digital tachograph, and what other parts of the equipment, apart from driver cards, should be compatible in your view?

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.

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 tachograph's fall under the general type approval scheme for vehicles?

Retro-fitment should to the greatest extent be made technically possible, but it should not become mandatory. Road transport operators should be able to realise a full return on their investment in equipment throughout the use of the latter, during its full life cycle. It should not become obligatory to replace it. If equipment fails it should be possible to replace it with an identical unit if that is desired.

Mandatory retro-fitment of new devices will most likely continue to be compromised by the fact that it may not be technically possible to fit the newest on board equipment into older vehicles.

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.)?

This question is more relevant as a consideration for tachograph and vehicle manufacturers. The IRHA would expect that manufacturers seek the active involvement of transport operators and transport organisations in all aspects of product development.

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.?

The IRHA is of the view that product types such as downloading tools and control equipment that are not subject to type approval processes today should meet such a new requirement for new products sold after a certain date in the future. Since road transport operators depend very much on this equipment in order to comply with regulatory obligations, we believe that these products should be subject to EU rules for type approval.

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?

It is important that a process exists that enables prescribed technical specifications to be done quickly and efficiently with the maximum possibility for all concerned stakeholders, governmental and non-governmental, to express their opinion and contribute to the outcome of that process.

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?

Currently there are no EU rules that would prohibit a road transport operator from qualifying to become an approved workshop, but there are in many cases national guidelines covering this particular issue, used to assess an applicant's approved workshop eligibility to perform that role. In the opinion of this Association, the current situation is satisfactory. Overall, if an entity can satisfy the secure criteria that the competent national authority imposes this should be sufficient.

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)?

One of the principal attractions for transport operators of the digital tachograph was the possibility to shift from a mechanical and paper based system to a fully digitalised one. Unfortunately the current device has not fully lived up to these expectations and not all relevant activities can be recorded. This is most apparent with respect to the

attestation forms for drivers and employers to declare relevant activities that cannot be recorded on the digital tachograph.

Ideally, records made by the tachograph or entered by the driver should be sufficient. If Member States insist on retaining the concept of employer attestations for certain activities such as sick leave, holiday or other work etc, it must be possible, but not mandatory, for these to be loaded onto the driver card. In short, drivers and operators should be able to use electronic means for creating all the records that a driver is required to carry in order to demonstrate compliance with EU Driving and Rest Time Rules or the AETR Agreement.

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

It would seem appropriate that card issuing authorities are obliged to exchange data between themselves on card issuing due to the possibility that a driver may seek to obtain two cards issued by different authorities.

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 complexity of the EU driving and Rest Time Regulations clearly indicate the need for guidance and warnings to be given to support drivers. Especially in complex areas of the regulations such as ferry crossing rules or rest that falls into two weeks. However, the current disharmony of interpretation and enforcement is the single biggest restraint on the development of potentially very useful driver aids. In fact without a harmonised application of the rules, such guidance could potentially become serious liabilities. The Association would urge work to be initiated by the EU without delay to progress this element but until such time as this happens guidance provided by the digital tachograph should not be introduced, as it would create more problems than benefits.