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ETF Road Transport

ETF ANSWER TO THE EUROPEAN COMMISSION CONSULTATION ON REVISION OF THE DIGITAL TACHOGRAPH REGULATION (Regulation EC No 2135/98)

Introduction

The ETF welcomes the consultation launched by the European Commission on the revision of the Regulation on recording equipment in road transport.

Before focusing on the actual questionnaire, the ETF would like to point out to several principles that we believe should be guaranteed by the revised Regulation. These are as follows:

- the digital tachograph has as sole purpose, and that is to measure parameters that make possible the control of driving and rest time, a key prerequisite for road safety and occupational health and safety. This is not a tool to serve to business management, neither is it a commercial product;
- the digital tachograph must be improved to measure additional parameters that are strictly related to the improvement of road and driver's safety: recorder for accident investigation (this would help in getting better statistics on road accidents in the EU), weight control (this would help for instance to monitor empty-runs, loading-unloading activities, etc.), loading and unloading activities;
- the recording equipment must remain focused on its key functions. Integrating the tachograph into an open in-vehicle platform will lead to increased risks to weaken its performance in measuring the functions it was traditionally designed for, to higher risks for attacks and data manipulation;
- the revised Regulation should not only aim to improve controls and enforcement of driving and rest time, but it must also ultimately serve to a better coordination between control authorities (see the ETF answer to Question 4, for more details);
- vehicles of less than 3.5t should be included within the scope of the revised Regulation;
- the revised Regulation should stipulate a complete standardisation, via Community legislation, of the digital tachograph;
- the European Commission took in the past important measures towards better guarantees with regards to security of the system and reliability of data (the central piece of this regulation), thus the competence to update the technical requirements of the equipment should remain the competence of the European Commission (the European Commission may envisage to be additionally supported by an expert body, if need be);
- the revised Regulation should apply within the shortest period of time possible, from its entry into force.



President Graham Stevenson

1

Vice Presidents Alexander Kirchner
Brigitta Paas

General Secretary Eduardo Chagas



Question 1 – Characteristics of the next generation of tachographs / Functioning of the recording equipment

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 ETF answer

The ETF view is that the equipment should function in the same way. The second alternative described by Question 1 would certainly lead to undesirable situations for both the drivers and for road transport undertakings: the first would need training when changing vehicles, time to adapt to the new equipment, etc. This, certainly, would cost the industry time and money. From the driver's perspective, one needs to point out that the rapid and drastic transformations (logistic organisation schemes, quality constraints, ICT developments, new requirements set by EU legislative acts) have already impacted the sector and, consequently, substantially changed the nature of work and competencies required of drivers. A recent study on shortage of drivers points out to discrepancies – in terms of skills and qualifications – amongst drivers of the so called "old" Member States and those from the New Member States. The constant need to adapt to various types of equipment will certainly aggravate the situation. Thus, a complete level of standardisation of recording equipment will be only too justified.

Question 2 - Characteristics of the next generation of tachographs / Integration of ITS applications

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 ETF answer

The ETF view is that the digital tachograph has as sole purpose, and that is to measure parameters that make possible the control of driving and rest time, a key prerequisite for road safety and occupational health and safety. To this end, the digital tachograph must be improved to measure additional parameters that are strictly related to the improvement of road and driver's safety: recorder for accident investigation (this would help in getting better statistics on road accidents in the EU), weight control (this would help for instance to monitor empty-runs, loading-unloading activities, etc.), loading and unloading activities. The ETF is, however, not in favour of integrating the tachograph into an open in-vehicle platform: the more complex the equipment is, the higher the risk to weaken its performance in measuring the functions it was traditionally designed for, the bigger the risk for attacks and data manipulation. With regards to functions such as real-time "tracking and tracing", the ETF points out that the digital tachograph is a recording equipment and not a control one, and it should keep its character. From a driver's perspective, a real time "tracking and tracing" would pose problems in terms of privacy rights, to this extent the ETF stresses on the fact that the interest – from the point of view of safety and security of transport, driver and citizens – is not centred on where the driver is, but rather on how long s/he drives the vehicle for, and how long s/he works. On the other hand, integrating the digital tachograph into a platform may in the future give way to creating monopolies in what concerns compatibility of applications.



Question 3 & 4 - Characteristics of the next generation of tachographs/ Remote download of recorded data and speed of downloading

Question 3

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

Question 4

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

The ETF answer (to both questions)

The ETF view is that what matters is for the data to be available at any moment a control may occur. With regards to changing the 28-day period, etc. the ETF would like to point out that any of these changes will be a drawback for the industry: the drivers as well as the control officers are currently used to the current systems and periods. The Member States will certainly be the ones to pick up the cost of re-training the control authorities. Additionally, the ETF would like to stress on the point that the driver must have in the future the possibility for manual downloading, particularly when s/he works for two (or more) undertakings. It is equally important for the data to be preserved in as many locations as possible (currently, the data is preserved at the headquarters of the undertaking, on the driver's card and in the recording equipment itself). The revised regulation should set an obligation for all registered data to be sent to a central body, accessible by all bodies in charge with enforcement – this is particularly important having in view the multitude of government authorities with competence in enforcement and controls of elements that are based on the data provided by the digital tachograph (ministries of transport to control the driving and rest time; ministries of labour to control working time; federal police, etc.). The ETF view is that all new technologies can and must ultimately serve to a better coordination between control authorities.

Question 5 - Characteristics of the next generation of tachographs / Improvements of controls

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 ETF answer

The ETF view is that mobile control of vehicles in motion would be welcome, but only as complementary means of control. The control of moving vehicles would – for instance – be welcome in getting more accurate statistics on certain aspects and tendencies of road transport activities.

Question 6 – Characteristics of the next generation of tachographs / Security level of systems

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 ETF answer

The ETF view is that the security of the system and the reliability of data are the central piece of this regulation and considers that the European Commission took important measures towards better guarantees in this direction. However, retrofitting remains a problem. The ETF thus recommends that the revised regulation includes the obligation – for any transport undertaking that are held liable for any manipulation of recording



equipment – to retrofit the fleet with second motion sensors. With regards to Galileo, the ETF is not very clear about its added value for the road safety and driver's safety.

Question 7 – Principles and scope / Scope of the regulation

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?

The ETF answer

The ETF view is that exceptions and derogations of the revised regulation should solely consist in the type of transport, and not in the type of vehicle! To this end, the ETF disagrees with the above suggested exception. Furthermore, and along the same principle, the ETF asks for the inclusion of the less than 3.5t vehicles within the scope of the social legislation in road transport.

Question 8 - Principles and scope / Compatibility and interoperability

This question refers to three options:

Option 1: No new generation of recording equipment should be introduced; make full interoperability with the current system of digital tachograph 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 tachograph 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 tachograph and the current digital tachograph, and what other parts of the equipment, apart from driver cards, should be compatible in your view?

The ETF answer

The ETF supports Option 1 for the reasons described in the answers given above. The ETF considers that any other option will interfere with the very purpose of the recording equipment, will pose considerable problems for drivers in terms of time and training to adapt to new equipments, which will lead to unnecessary burdens for the industry and the Member States, and will be in the disadvantage of the professional drivers. Furthermore, one should take into account that any changes in the recording equipment that require the introduction of new driver's card will also mean additional burden / costs for the driver.

Question 9 – Type approval / Introduction of equipment based on new specifications

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?

The ETF answer

In addition to the above recommendation on retrofitting, the ETF believes that the revised Regulation should set a strict dead-line by which all commercial vehicles in operation must be equipped with recording equipment stipulated by the new legal act.

Question 10 – (same sub-title) Type approval / Introduction of equipment based on new specifications



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.)?

The ETF answer

The ETF agrees in principle, but field-tests should be done by drivers, and not by manufacturers, to ensure the highest possible practical angle to integrating new devices on board of vehicle / driver's cabin.

Question 11 – Type approval / Equipment in relation with the tachograph where no type approval is foreseen

Question 11 is about whether the revised Regulation should include detailed requirements in the fields such as: seals, downloading equipment, control equipment, calibration tools, etc. The following options are considered:

Option 1: Do not change the current situation

Option 2: Optional standardisation of this equipment through technical bodies

Option 3: Community legislation

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 ETF answer

The ETF supports standardisation via Community legislation.

Question 12 - Type approval / Adaptation to technical progress

Question 12 is based on three options regarding the future adaptation of the digital tachograph to technical progress:

Option 1: Commission continues to update the technical specifications of the equipment through Comitology¹;

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.

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?

The ETF answer

The ETF is for keeping a number of key competencies for the European Commission, so for Option 1. Option 2 may have an added value in terms of passing the competence to a more technical body. However, the ETF cannot support Option 2 in absence of precise details about the so called "essential requirements".

Question 13 – Installation and inspections

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?

The ETF answer

¹ See details about this procedure on http://europa.eu/scadplus/glossary/comitology_en.htm



The ETF view is that the revised regulation should introduce the principle of co-liability in what concerns workshops, meaning in effect that workshops will be liable if detecting fraud related to the digital tachograph and fail to report it. This type of fraud would lead to loss of workshop licence. A list of most serious infringements should be developed as an annex to the revised Regulation. The revised regulation should also introduce the obligation of checks on the integrity of the digital tachograph as part of the annual vehicle check.

Question 14 – Use of equipment / Automatic and manual recording of information

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 ETF answer

Currently, the driver must switch manually indicate breaks, periods of availability and activities such as loading – unloading. The revised regulation should aim to an automatic registration of, for example, loading – unloading time. This could be done by adding a function to the digital tachograph to record the weigh of the vehicle.

Question 15 – Use of equipment / Uniqueness of the driver's card

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

The ETF answer

The ETF needs more clarity before being able to express its view on this point. The question is what this data will be used for. What will be the implications – for instance – with regards to sanctions and fines? The ETF stresses on the point that a system to ensure the uniqueness of the driver's card is already in place – the TACHONET.

Question 16 – Use of equipment / Warnings

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 ETF answer

The ETF view is that the revised regulation should foresee compulsory warnings, as long as they include warning over the correct *break (rest period)-taking*. The digital tachograph should provide an early warning system for breaks, including breaks to be taken under the working time rules (this will become possible once the recording equipment will adapted to measure other working time activities and will be better interconnected with the Intelligent Transport Systems). The digital tachograph must be adapted to the current rules; updating should be compulsory, mandatory and enforced.

Question 17 – Other questions

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?

The ETF answer

Dead-line for application of new Regulation / the ETF stresses on the point that DT is in application for 4 years now. However, the analogue tachograph is still in use. For instance, lorries equipped with this type of recording equipment were sold to undertakings from New Member States. The ETF suggests that by 1st of January 2014 all vehicles performing road transport operations will be equipped with digital tachograph. The revised



Regulation should be applied in the shortest period of time possible, from its entry into force.

Question 18 – Other questions

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

The ETF answer

The revised Regulation should make it an obligation for the digital tachograph to be placed in sight of the driver.

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President Graham Stevenson

7

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