



# Revision of the Community legislation on tachographs

The TUC response

## Introduction

The TUC is the national trade union centre, with 59 affiliated trade unions and just over 6.2 million members. Our membership includes a large number of professional drivers who will be directly affected by any changes to the legislation. We have consulted all our affiliates on this issue before replying, since it is clear that ensuring the safe operation of tachograph vehicles is an important goal affecting all road users.

The TUC believes that the ensuring road safety must always be given a very high priority indeed. Therefore, we support the general aims of the consultation, which we see as making digital-tachographs more reliable, secure and user-friendly.

The remainder of this paper sets out our comments on the consultation questions.

## The consultation questions

**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 key considerations are reliability, security, and ease of use.

It is important that the equipment of different manufacturers functions in exactly the same way for ease of use, understanding and for transparency reasons for transport workers and their employers.

Having a number of different designs simply causes confusion and can make equipment less effective.

Some models are currently showing separate in-work breaks as a total aggregated on screen, whilst others do not. This practice of displaying breaks in sum makes it harder to understand the true nature of the drivers work pattern.

In addition, a standard design would rule out the possibility that some employers could to put pressure on manufacturers to design different types of equipment in ways that might reduce the effectiveness of the tachograph as a safeguard.

**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?*

There could be merits in building in to tachographs new functions that would aid accident investigation.

However, there is serious concern amongst drivers that extending the functions of the digital tachograph into an open in-vehicle platform would inevitably lead to employers abusing the use of the information that applications can provide.

Real-time "tracking and tracing" functions would be bound to be used as a system of work monitoring by employers, and the information that they could provide would be used in attempts to discipline transport workers. Using the tachograph for reasons other than ensuring safety could have a serious effect on how drivers on how drivers view this equipment, which could end up undermining the safety functions of the system.

Some of the suggested applications must also be weighed in the light of a workers right to privacy at work.

Therefore the raft of suggested regulatory applications should not just be implemented in the way proposed. If employers wish to introduce new applications they must follow the normal workplace negotiating process and consult with their workforce in order to determine what are the appropriate monitoring systems needed for that particular workplace.

**Question 3** - *Should remote download of the digital tachograph be encouraged? Is a regulatory approach deemed appropriate in order to facilitate widespread introduction? Developing measures to allow remote downloading could improve the efficiency of tachograph operations. However,*

such operations must be both secure and proof against systems failure so that data cannot be lost.

In addition, it is vital that drivers will still be able to download data manually themselves so that they have easy access to the information that they need in order to ensure that their working patterns are safe. This is particularly important in the case of drivers who work for more than one employer.

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

Downloading information can be slow in cases where a variety of different cards have to be used in the process.

**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?*

Allowing enforcement bodies to draw information electronically from tachographs in moving vehicles could be used to improve the coverage and efficiency of enforcement however this technique should not be used to replace random checks that involve stopping vehicles; otherwise the quality of enforcement will suffer. Tachograph checks on moving vehicles should be additional.

Relying on moving vehicle checks would not identify one common abuse of the tachograph rules, namely cases where a driver uses someone else's card in an attempt to get round working time restrictions.

**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?*

There are no philosophical objections to using Galileo as a back-up independent source of motion to ensure security of data.

However, there must be safeguards in place in order to ensure that request for data from Galileo to back up tachograph information can only be used for the purpose of demonstrating and ensuring compliance with the tachograph rules.

To be explicit, employers must not be able to use such information for the purposes of disciplinary inquiries that do not relate to breaches of the tachograph rules.

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**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. this would create a significant loophole that would be exploited by unscrupulous employers.

**Question 8** - *Which option (out of 3 options for compatibility/ interoperability set out in the condoc.) 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?*

It seems most likely that it will be possible to improve upon the current technology. It follows that option 2, which includes "backwards compatibility" to allow driver cards from the current system to be used as well, would be favoured option. Anything else would lead to the effective establishment of more than one tachograph regime at a time, with all the negative implications for enforceability and efficiency that would entail.

**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?*

Retrofits should be mandatory, as this would be the only way to maintain effective and efficient enforcement of all tachograph vehicles.

Retrofitting should be tightly regulated so there is no room for misinterpretation of how retrofits should be carried out.

The rules should specify that defective equipment should be replaced within 24 hours.

**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.)?*

Field testing is an important step in making sure that tachograph equipment works as intended.

This must be read in the context of our answer to question 1, which was that it is important that the equipment of different manufacturers functions in exactly the same way for ease of use, understanding and for transparency reasons for transport workers and their employers.

*Question 11 - Which option do you prefer and if you prefer option 2 or 3 (for type approval of new equipment not currently foreseen), for which parts: seals, downloading equipment, control equipment, calibration tools, etc.?*

Community legislation (option 3) would be the only effective way to maintain reliability, security and ease of use.

**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 regulations should set the essential requirements for the equipment. A technical body should be responsible for updating the technical requirements.

*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?*

Clearly the security of the tachograph systems could be seriously undermined by poor work or corrupt practices. Therefore it is imperative that workshops should be made as trustworthy as possible. There should be an EU community-wide standard for workshops, on a quarterly basis.

*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)?*

If Galileo could record locations then that is a possible option. Using a satellite system could help give standardisation and perhaps deal with the problem of manual inputting not being specific enough.

However, any standardised equipment must not stop working when the engine is off or the vehicle stationary because

when a driver is at the wheel they are at work.

Furthermore, there would still need to be a provision that allows the driver to enter data manually.

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

Yes. It is vitally important to ensure that the enforcement authorities in each member state can enforce the tachograph rules for drivers from other member states.

*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 digital tachograph fitted to vehicles manufactured from May 2006 onwards already includes warnings on the driving time limits both 15 minutes before and at the end of the permitted driving time period.

We also strongly support, in principle, the idea that the next generation of tachos should not only warn the driver when they exceed the driving time limit, but should also warn when drivers fail to comply with any other requirement of EC561/2006,

However, we would like to be consulted in more detail before the technology is commissioned. There are some concerns about the practicalities of responding (or not responding) to a broader range of tacho warnings. These issues need to be discussed in more detail if we are to be sure that these warnings will improve safety in the way that we hope will be possible.

In the event of future changes to legislation it should be a mandatory obligation on the employer to re-calibrate the tachograph its warnings at the earliest opportunity.

Changes in legislation may mean that there will be short periods when the wrong information may be displayed. A strong duty on the employer to recalibrate would minimise

this period.

**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?*

Some tachographs wrongly register vehicles that are stationary because they are queuing in traffic as being engaged non-driving “other work” even though the driver is still at the controls.

**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 equipment display should be illuminated because inputting is often done in the dark. The switches/buttons on the equipment display should also be lit up. The switches/buttons on the equipment display should be made bigger than at present in order to improve ease of use.