



ECR

| | | |
|----------------|--|-----------------|
| Date | Our reference | |
| 26-Feb-10 | 10-ECR-EX.CO (NO-008)EN | |
| Contact person | e-mail | Telephone |
| Ann De Vries | a.devries@benelux.be | +32 2 519 38 70 |

Euro Contrôle Route

Reply consultation paper:

'Revision of the community legislation on the recording equipment in road transports (tachograph)'.

Questions extracted from the consultation paper

I. Introduction

a. Who we are

Euro Contrôle Route is a group of European road control services which collaborate to improve the quality of enforcement so as to improve safety on the roads and the observance of the road transport regulations and to promote fair competition.

The general objective of the collaboration is, via consultation, cooperation and common initiatives, to harmonise inspection practices with one another as much as possible in the participating countries - and ideally throughout Europe.

Euro Contrôle route currently has 14 members : Austria, Belgium, Bulgaria, France, Germany, Hungary, Ireland, Italy, Luxembourg, the Netherlands, Poland, Romania, Spain and the United Kingdom. In additions ECR has three active observers: Czech Republic, Lithuania and Slovenia and two passive observers: Malta and Latvia.

II. Responses to the EC questionnaire

a. 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?

From an enforcement point of view the answer would be yes. Ideally, all tachographs, regardless of make or brand, should function the same way. Enforcers, and drivers for that matter, deal with different kinds of tachographs on a daily basis. It is simply impractical to expect them to plow through the various manuals. However, we recognize the importance of innovation and product development for manufacturers. On the other hand, it should be clear that user-friendliness is a must. A compromise could be that, regardless of the extra options offered, manufacturers should provide common interfaces that provide both enforcers, drivers and transport undertakings with the same output.

It appears that the transport industry shares this view.

b. 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?

From an enforcer's and road safety point of view we would like to see an open and integrated system. However, we see that this could lead to increased costs for transport undertakings.

In our opinion, it is important that the legislation encourages open architecture. As in the past projects have not been successful due to the fact that manufacturers insist on using their own systems and are unwilling to share knowledge of their systems. The key-word should be compatibility.

At the moment a driver's cabin is scattered with a multitude of systems, which can be distracting. An integrated system would concentrate all systems in one place.

With regard to real-time "tracking and tracing" function: from an enforcer's point of view this would be an interesting tool, because it allows enforcers to effectively target the non-compliant hauliers, which in its turn reduces the burden on compliant enterprises.

c. Question 3

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

At the moment remote downloading is already a possibility for companies. It is voluntary, they can opt do it or not. To have a better view on compliance, while analyzing data during company checks, the possibility for remote downloading would be a useful tool for enforcers.

Yes, we feel that a regulatory approach is needed to facilitate widespread introduction. We would also like to stress the importance to have a secure system.

d. Question 4

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

In our experience, the first versions of the digital tachograph were rather slow. Newer versions have substantially shorter download times. Of course any further improvements would be welcome.

e. 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?

As mentioned above, faster download times and remote downloading benefit both enforcers and companies.

Yes, the mobile control of moving vehicles should be encouraged, provided a secure system can be guaranteed.

f. 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?

From an enforcement's point of view the security level is not proportional. According to our findings, the magnitude of digital tachograph manipulation, using various devices, should not be underestimated. Furthermore, the issue of sealing should be addressed to reduce the risk of manipulation.

Concerning authenticated time/speed/positioning data : as ever enforcement organisations would welcome the additional information, provided that the data is secure. The information should come from GPS systems, rather than one option.

g. 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?

Although we can imagine that under certain circumstances it difficult to use the standard recording equipment, for enforcement purposes it should be recommended to use the standard recording equipment.

h. 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?

In our view option one and three are not very realistic. Enforcement organisations have invested considerable resources in download tools, a minimum requirement should be compatibility with enforcement equipment. Additionally, interoperability for all cards is required.

i. 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?

In our opinion how new equipment is introduced in the field should be specified in legislation. A retrofit should be possible.

Concerning essential steps :sufficient time-frame for enforcement organisations to implement.

From an enforcement's point of view the question whether or not type approval should fall under the general type approval is irrelevant.

j. 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.)?

From an enforcement point of view we would like to stress that field tests should be kept out of scope and require permission from the competent national authorities.

Field testing should be possible and rigorous: special attention should be paid to possible vulnerability to manipulation. There should be no influence on the level playing field and/or road safety.

k. 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.?

As enforcers, we feel that option three is the best option. We feel that a legal framework for downloading- and analyzing equipment e.g seals, calibration tool, would avoid legal challenges.

l. 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?

For enforcers, option one provides the most guarantees.

m. Question 13

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)?

We feel that weekly rest would be welcomed as an additional manual input

n. Question 14

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?

In light of the complexity of certain manipulations, there is significant anecdotal evidence that complicity between workshops and transport undertakings is taking

place with the intention of circumventing driving- and resting hour legislation, speed limits, etc.

As enforcers we would suggest that sanctions against workshops who are conspiring with transport undertakings to circumvent legislation, should be included in EU legislation.

o. Question 15

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

The uniqueness of the driver card should be safeguarded; double card issuing to one driver should be prevented at all time. Therefore the answer is yes, as the regulation already foresees that member states and AETR contracting parties should exchange the relevant data.

For enforcement purposes the information should be (real-time) available during inspections at the roadside. A combination of the driver card, driving license and the professional competence of the driver included in one document would be a good option.

There is concern regarding drivers who possess double passports and, based on that, double driving licenses. There is evidence that these drivers could get hold of more than one driver card.

p. 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?

It is most likely that users of the digital tachograph welcome pre-warnings and current information on potential infringements. However these warning signs should be installed in such a way that they are inline with agreed harmonised standards of interpretation of the European driving and rest time Regulation and, as a result of that, also with the harmonised European wide standards for enforcement.

As such the warnings could contribute to improve road safety and have also an impact on the prevention of non-compliance.

q. 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?

In general ,and again from an enforcement point of view, it is highly recommended to pay attention to the enforceability and practicality of the revised European legislation. It goes without saying that at the same time the revision should not lead to an increase of the enforcement burden, both from an inspection and industry point of view.

Further more the already recommended harmonisation of interpretation and -as a result of that- the execution of enforcement, is highly recommended by the enforcement community.

r. Question 18

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

User-friendliness is an absolute must for both users of the electronic recording equipment as control officers. Features as tracking and tracing, wireless data extraction and remote controls are seen as huge improvements and contribute to the control officer friendliness of the digital tachograph.

**_*_*_*_*_*_*_