



EUROPEAN COUNCIL FOR MOTOR TRADES AND REPAIRS
CONSEIL EUROPÉEN DU COMMERCE ET DE LA RÉPARATION AUTOMOBILES
EUROPÄISCHER VERBAND DES KRAFTFAHRZEUGGEWERBES



CECRA Response to the European Commission's Public consultations

"REVISION OF THE COMMUNITY LEGISLATION ON THE RECORDING EQUIPMENT IN ROAD TRANSPORT (TACHOGRAPHS)

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The European Council for Motor Trades and Repairs (CECRA) was established in 1983 to represent the interests of automotive dealers, authorised and independent repairers and a number of related activities (motorcycle dealers and petrol stations).

The automotive trade and repair sector in Europe is composed of some 380,000 enterprises, of which around 120 000 are authorised dealers and repairers and 260,000 independent repairers. Most of these enterprises are SMEs that employ around 2.8 million people. These enterprises are all represented by CECRA and its member associations.

CECRA's members are:

-  27 national trade associations in 23 EU and EFTA countries, representing: the automotive dealers, authorized and independent repairers;
-  14 European Dealer Councils representing the interests of authorized dealers and repairers of a particular brand;
-  about 110,000 fuel businesses employing 440,000 people; and some 12,000 motorcycle businesses employing 81,000 people.

CECRA is entirely financed by its membership fees.

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Preliminary remarks

The Community road transport legislation provides for harmonised rules on maximum driving hours and minimum breaks and rest periods in order to ensure road safety, fair competition between undertakings and good working conditions for drivers. These rules apply for all drivers engaged in the transport of goods with vehicles of 3,5 tons laden mass and more and for drivers engaged in the transport of passengers with vehicles for 9 persons and more. Compliance with these rules is controlled through a recording equipment that has to be installed in vehicles falling under the scope of this legislation.

Since May 2006, the digital tachograph has become the mandatory recording equipment for new vehicles. While the necessary adaptation of this device to technical progress is regularly carried out by the Commission, it is now considered appropriate to review the legislative framework which dates back to 1985 in order to

- enhance the clarity, readability and enforceability of the rules concerning the recording equipment and
- provide for a new generation of more secure, user friendly and interoperable recording equipment.

For memories, the digital tachograph is installed in more than 1.5 million vehicles and used approximately by more than 3 million drivers, 35.000 enforcers and 900.000 undertakings in the European Union.

Generally speaking, the businesses represented by CECRA are indirectly concerned with the revision of Regulation (EC) No. 3821/85¹ relating to tachographs. Motor retail and repair businesses do their best to implement the directives and regulations on behalf of the final users that are the road transport companies. In this respect, CECRA supports the position of the International Road Transport (IRU)². In this perspective, CECRA wishes to remind that the Commission's ambition should pay particular attention to the reduction of the administrative burden (red tape) and inefficiency in the implementation³.

As regard the different implementation measures at national level and its consequence due to the internationalisation of the road transport, CECRA calls upon the Commission to ensure full harmonisation concerning the tachographs legislation.

In accordance with its representativeness, CECRA only replies to the questions in the consultation paper which are relevant to CECRA's scope of activity.

¹ As modified by Council Regulation (EC) No. 2135/98, Commission Regulation (EC) No. 1360/2002, Regulation (EC) No. 561/2006, and Directive 2006/22/EC.

² International Road Transport Union, www.iru.org.

³ Page 2, IRU's response to the Commission, Reference: CAS/B100066/DVI

2/ questionnaire 'answers:

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?

Since utilization by drivers is strongly regulated, it seems appropriate for the legislation to favor some homogeneity of the equipment to be used.

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

It should be stressed, as general principles, that homogeneity of the fundamental functionality of the equipment to be used is indispensable. The future rules also have to be impregnated with some adaptability and flexibility. For example, remote downloading of the digital tachograph can be an appropriate functionality for a transport group with a large vehicle fleet, but it can also be an inadequate burden to small entrepreneurs with only one vehicle.

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 data security level seems appropriate. The legislation should seek to ensure this security level without inevitably strengthening it.

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?

As regards the introduction of equipment based on new specifications, it has to be ensured that retrofit is technically possible. Road transport companies point out that replacement should not be made mandatory, because of the investments made and their need for amortization. Besides, CECRA stresses again its concern for coherence and interoperability of the different types of equipment.

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?

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

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

CECRA's experience of a number of so-called comitology processes and CECRA's participation in the European Committee for Standardization (CEN)⁴ make it thinkable that comitology is appropriate in the case of technical updates of tachographs.

Indeed, the participation of member state representatives and market operators *lato sensu* — equipment manufacturers, vehicle manufacturers, repairers, distributors, users — is the most appropriate way to adapt technical standards to market realities, in accordance with the experience of the aforementioned operators.

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?

The Commission's document says that workshops play an important role in the tachograph system, as repairers are responsible for the installation and repair, more particularly the calibration of tachographs. However, the current legislation only provides very rudimentary provisions as regards workshops. For example, in some member states repairers have to be authorized, but there is no precision as to the criteria upon which authorization has to be granted. This can lead to very different practices between member states. It should be reminded that for the sake of tachograph security, trustworthy workshops are indispensable.

The installation and inspection are major considerations to CECRA member associations. Member states dispose of national legal provisions to assess and determine the authorized workshops which are able to perform the function. Though CECRA member associations generally observe that the system if adapted to the market and do not report noticeable dysfunctions, the following particular case of France should be noted as far as tachograph initialization is concerned.

Road vehicles of more than 7.5 metric tons are mandatorily equipped with a tachograph. The EU authorities have decided that for new vehicles such equipment shall henceforth be digital and no longer electromechanical. Vehicles are equipped with a digital tachograph by the manufacturer. The device is therefore not in full but in partial function (a number of data, like registration, are not entered).

When putting the vehicle into circulation, the digital tachograph undergoes a number of initial operations: full data entry, calibration, sealing. If the vehicle has been provisionally registered (W: ride to have the vehicle equipped with specific body, giving a demonstration of the vehicle, etc.) the initial operations shall have to be reiterated by the buyer of the vehicle.

In France, the initial operations and periodic verifications are exclusively carried out by DRIRE-authorized control stations (legal metrology).

As far as we know, France is the only EU member state which prohibits the seller of the vehicle from performing the initial operations on tachographs. The cost of this national exception is rather high: initial operations on digital tachographs are billed for some 150 € by the authorized control stations (8 million € a year), to which the cost to move the vehicle to the station should be added.

⁴ In particular, CEN TC301 and the issue of the automotive aftermarket's access to technical repair and maintenance information.

Dealers are able to perform such operations provided they may acquire the necessary equipment for tachograph initialization.

CECRA's member association in France, CNPA⁵, therefore wishes vehicle-manufacturer-authorized workshops to be given the right to perform digital tachograph initialization and calibration, at least until the vehicle's first registration.

Article 6 of the Decree of 7 July 2004⁶ regarding the modalities for the control of digital tachographs reads as follows:

Criteria of independence

"Bodies which have been authorized to perform installation and inspection operations may not be holders or users of the instruments. In addition, their main activity may neither be connected with road transport nor the transport-vehicle trade.

However, vehicle manufacturers or their representatives in France may be granted, after approval by the Minister of Industry, an authorization limited to the installation of new registration equipment in new vehicles and their activation, provided they meet the requirements of this Decree which apply to their activity.

None of such bodies is allowed to subcontract any of the operations for which it has been authorized".

Clarifications from the Commission on this particular point would be advisable.

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

One of the limitations of the current system is the availability of different cards through distinct authorities. Reciprocity of harmonized data between member states would be appropriate in this respect.

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?

CECRA strongly supports to maintain the exemption for tachograph tests and repairs. The digital tachograph is a device designed to follow-up and monitor truck drivers. It therefore does not concern truck distributors and repairers.

This is why truck dealers and repairers are granted conditions which are specific to their activity, as far as the utilization of tachographs and drivers' training are concerned.

These exemptions are included:

- as regards tachographs, in the European Regulation No. 561/2006 of 15 March 2006 (Article 3 g)
- as regards drivers' training, in the Directive 2003/59 (Article 2 c).

The exemptions in all cases relate to *"vehicles undergoing road tests for technical development, repair or maintenance purposes, and new or rebuilt vehicles which have not yet been put into service"*.

⁵ www.cnpa.fr conseil national des professions de l'automobile.

⁶ <http://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT0000000255695&dateTexte=>

This means that within this strict framework, dealers and repairers are not subjected to the rules applying to businesses performing road transport of goods.

CECRA wishes this exemption to be maintained and to be made more precise, and observes that the following addenda would be very much appropriate:

"the conveyance of the vehicle for any operation in connection with its putting into circulation"

"the conveyance of the vehicle for its delivery to the client"

"the conveyance of the vehicle for repair, bodybuilding and technical control (MVI) operations".
