

UEAPME¹ response to the European Commission Consultation 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?

UEAPME recognizes the advantages which competition between manufacturers can bring in terms of innovation, user-friendliness and quality of products, and encourages the Commission to allow manufacturers to adapt their products to technical progress.

However it is essential that a certain number of basic functions remain identical to allow users to use them without confusion, for instance when entering manual data, downloading data or changing the activity, and to avoid compatibility problems within companies with several vehicles. The use of the tachograph should be made as easy and user-friendly as possible to allow small businesses which aren't familiar with the equipment to use it without problems. In this sense it should also be adapted to use by occasional users such as businesses which don't have transport as their main activity. This will also help SMEs avoid costly training for their workers whilst reducing the risk of incorrect use of recording equipment.

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?

In the interest of simplicity and cost reduction for SMEs, a multiplication of electronic on-board items should be avoided. In this sense, UEAPME welcomes legislative initiatives which encourage the integration of different traffic services within a single in-vehicle platform. Whatever the shape this type of platform might take, it is central that these remain interoperable.

¹ UEAPME subscribes to the European Commission's Register of Interest Representatives and to the related code of conduct as requested by the European Transparency Initiative. Our ID number is [55820581197-35](#).

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As for the type of applications to be included, UEAPME supports all initiatives which go in the sense of safety of mobile workers and other road users, but calls upon the Commission to find a balanced approach taking the costs which appliances can represent to SMEs into consideration. Compulsory retrofitting should for instance be avoided and the type of application to be included should be left up to businesses to best adapt to their specific situation. This is relevant in a situation where some applications are for the moment not used in all EU Member States and therefore may not be of use for all companies, for instance the large number of those who do not perform international transport.

UEAPME would also like to draw the Commission's attention to the fact that for those businesses (for instance those from the craft sector) which only rarely undertake trips which need to be monitored with the tachograph, many ITS applications will not be useful. It is most important that for these companies; the tachograph remains easy to use, with minimum training needed and user-friendly.

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

Downloading of data from the recording equipment (tachograph and driver card) should not take more than a few minutes.

UEAPME recognises the benefits of remote downloading of data since it would allow quicker and easier transmission of data, thus helping to avoid loss of data through overwriting or other technical problems. This should therefore be encouraged but UEAPME doubts there is a case for a regulatory approach.

In particular, UEAPME stresses the importance of data protection when downloading data from the tachograph. Data protection is of the highest importance and should be considered as a first priority when transmission of data is involved. Remote download of data should therefore only be possible if data protection is guaranteed at all times.

Finally, decision makers should take into account the costs related to equipping vehicles with the technology necessary for remote downloading. Though this kind of technology may make sense for transport undertakings with a large fleet driving long distances, it remains costly for SMEs with smaller fleets driving shorter distances, for instance those operating mainly in local transport and which can regularly return to base to download tachograph data, as well as for businesses which don't have transport as their main activity.

If it is put in place, it should also be possible to safely download data in a standard format so as to avoid purchasing expensive decoding equipment or any other type of specific infrastructure.

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

The speed of data download from the digital tachograph has significantly increased since the entry into force of Community legislation in 2006. However this can still be improved and simplified through easier-to-use devices.

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?

Road safety is a priority for UEAPME and efficient controls are an essential component to guarantee this. UEAPME also welcomes correct implementation of Community legislation such as Regulation 561/2006 which is still not correctly applied in a number of Member States, as this is a guarantee of fair competition. In this respect one of the main problems during controls is the poor knowledge of legislation on the side of control authorities, as well as the language barrier when dealing with foreign drivers.

However mobile controls of moving vehicles present a number of reasons for concern, one of those being the importance of respecting data privacy when data is controlled without the driver and the owner's knowledge. This should not be possible without the provision of clear information on the use made of this data and its storage.

Furthermore the technology necessary for wireless communication of data could be a source of extra costs for small businesses. Guarantees are also needed as to the quality of the information downloaded, since incorrect information could lead to unjustified fines which the driver would not be able to challenge upfront, leading to more administrative burden.

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?

UEAPME has not been made aware by its members of any specific problems regarding security. The use of a GPS signal should only be encouraged if it is correctly protected against manipulation.

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?

Many SMEs which operate on a local basis only rarely exceed the radius for tachograph use set out in the Regulation. For them, investment in a digital tachograph is very expensive and time-consuming since training is required. In line with the "Think Small First" principle of the Small Business Act, any initiative which helps to reduce the burdens weighing on SMEs should be encouraged.

In this sense, the High Level Group on reducing administrative burden suggested exempting SMEs and crafts entrepreneurs from the use of the digital tachograph in HGVs if the entrepreneur does not have transport as his/her main activity and only within an extended radius of 150 km. This measure, if implemented with the correct consideration, would help to decrease administrative burden, lower costs and solve the problem of vehicles which only occasionally exceed the current radius.

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?

UEAPME prefers option 2 since backwards compatibility is essential to guarantee a smooth transition towards a new generation of tachographs, which should in any case only take place with the lowest possible financial and handling burdens for SMEs. Alongside driver cards, the most important elements in this view are the technical elements relating to data download.

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?

UEAPME believes that businesses should be able to retrofit their vehicles on a strictly voluntary basis. Mandatory retrofitting should be avoided even when more efficient technology is available in replacement of defective equipment. In application of the "Think Small First" principle, no measures should be taken which would result in unnecessary efforts for SMEs.

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.)?

In UEAPME's view it is essential that companies are able to rely on efficient, safe and reliable technology. Field tests are very important as a way of guaranteeing this and should be carried out as thoroughly as necessary.

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.?

UEAPME prefers option 2: Optional standardisation of this equipment through technical bodies, as there is currently a large variety of products available on the market which are of very variable quality. If a standardization procedure is put in place, it is essential that SMEs are involved in order to ensure that the resulting standard matches their needs and expectations.

As for the parts which may be subject to standardisation, the quality of control equipment is of the upmost importance central as checks of data downloaded from the tachograph need to be reliable. The quality of downloading equipment is also very important, as companies are required by Community law to keep an archive of their records for at least a year.

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?

UEAPME is satisfied with the current Comitology procedure. Optional standardisation procedures may follow as described in Option 2, Question 11.

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?

UEAPME has not received any complaints about the trustworthiness of workshops or of any conflicts of interest within workshops, and considers that the various levels of controls in Member States are satisfactory. Given this situation UEAPME calls on to the Commission to respect the subsidiarity principle and leave it up to the relevant authorities to perform regular and strict checks. UEAPME warns of possible over regulation for workshops if action is taken at Community level.

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)?

UEAPME considers that as little data as possible should entered manually. Recording the location thanks to GPS or GNSS could help simplify data introduction but only if this signal is guaranteed to be safe and not subject to manipulation – which is so far not the case.

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

UEAPME understands the importance of unique, personalised driver cards to allow efficient controls in all Member States and compliance with driving time and rest period legislation. Exchange of information between national authorities may indeed contribute to avoiding fraud.

However, UEAPME insists that any exchange of data concerning drivers respects the relevant rules in term of data protection and information privacy. In particular, it should not in any case endanger fair competition between companies. Access to national data bases should be strictly limited and only concern the information necessary to the case at hand.

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?

In the interest of road safety, UEAPME understands the importance of warnings regarding driving time and rest periods but is concerned that offering the possibility of too many different warnings could lead to confusion. UEAPME is also concerned about the possibility of updating these warnings when legislation is revised.

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?

UEAPME believes that in time, technical progress in the field of recording equipment can bring many improvements in terms of efficiency and road safety.

However any revision of existing legislation should take into account the costs which this equipment represents for smaller hauliers and transport undertakings, not only in financial terms when replacing or retrofitting existing equipment but also when training personnel to use it. UEAPME would appreciate if the revision of the directive could take into account the significant investment which installing a digital tachograph represents for SMEs.

Finally, UEAPME would like to point out again the need to “think small first” and encourage the Commission to examine the possibility of exempting more SMEs of the use of the tachograph when this does not bring any significant improvement in terms of social conditions and road safety. This could be the case by reviewing Art 13 (1) of Regulation 561/2006 and increasing the working radius for vehicles under 7.5 tonnes belonging to companies which do not have road transport as their main activity, for instance up to 150 km as was suggested in the High Level Group on reducing the administrative load.

In this respect UEAPME also strongly warns against the possibility of extending the scope of application of Regulation 561/2006 to vehicles under 3.5 tonnes, as was suggested by some MEPs in the course of discussions on the revision of the Directive 2005/15 on working time of mobile road transport workers.

Question 18 - Would you like to propose other measures to make the recording equipment more user-friendly and to improve the reliability of controls?

UEAPME insists that correct implementation of existing legislation such as Regulation 561/2006 on driving time and rest periods and Directive 2006/22 on controls (particularly regarding training and equipment of control authorities) are an essential first step. There is still room for improvement in terms of user-friendliness of the tachograph, which could be achieved through certification, easier updates and less manual entry of data.

Brussels, Friday 05 March 2010.

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