

## **The European Voice of Freight Logistics and Customs Representatives**

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Brussels, 18<sup>th</sup> of March 2010

### **Revision of the Community Legislation on the recording equipment in road transport (tachographs)**

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CLECAT is the largest umbrella organisation of its kind in the EU. It represents the interests of the vast majority of EU logistics, freight forwarding and Customs service enterprises ([www.clecat.org](http://www.clecat.org)). Our Members in their role of SC solutions organisers are amongst the largest transport service users and some of them actually provide road transport solutions by owning the equipment. Our interest in the upcoming revision of the legislation pertaining to the use of tachographs is therefore quite central.

We would like to thank the Commission for considering a revision of the EU legislation on recording equipment in road transport throughout a recast of Regulation 3821/85, which has been amended 16 times since its entry into force. Indeed, a recast would consolidate all these past amendments and would also represent a good opportunity to have the Regulation adapted to technological developments. We should like to draw your attention to the fact that the following content of this CLECAT document will strictly focus on the recording equipment issue and will not consider the rules on driving times and rest periods, for which our public position is available on CLECAT website<sup>1</sup>.

As a preliminary observation, it is important to keep in mind that however sophisticated a device like the tachograph may be, the final resulting compliance falls often with human responsibility and practical possibilities, which are conditioned by external elements, such as – for instance – the insufficient availability of safe or even merely convenient parking areas for trucks.

CLECAT believes that the Commission should foresee the integration of the digital tachograph with other services into an in-vehicle platform. Clecat is in favour of a scalable, multi-use on-board unit where interoperability of services is ensured by the legislative framework. This could help to reduce the administrative burden for the industry, improve logistics efficiency and avoid a multiplication of devices in the cabin. New

**A real  
digitalisation  
of record for  
tachographs is  
needed**

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<sup>1</sup> <http://www.clecat.org/dmdocuments/pp014oetro091002wkgttime.pdf>  
<http://www.clecat.org/dmdocuments/pp002oetro100128wkgtm.pdf>

ITS applications for commercial vehicles like e-Toll represent opportunities for the Digital Tachograph to be integrated and benefit from these new technologies, even though this possible technological shift must be carefully assessed (Cost-benefit and Transition).

CLECAT would also like to highlight that the downloading of the data from the digital tachograph is a very costly administrative exercise and very often difficult to do, if the download time falls in while the driver is on a road. We therefore strongly encourage the remote download of the digital tachograph data. This could resolve the problem of data having to be extracted all in one lump from the driver card every 28 days and would considerably decrease the time required to collect the tachograph data from larger fleets. A regulatory approach is deemed appropriate by CLECAT in order to facilitate the widespread introduction of such practices. However, the Commission should ensure a balanced approach that allows sufficient flexibility for manufacturers to innovate and develop technological devices that accommodate, for example, improved mass memory downloads.

**The constraints for the manufacturer to adjust the tachograph to technical progress and for the user to comply with EU legislation on the recording equipment should be kept to a minimum.**

As CLECAT highlighted many times in the past, it is important that aspirations to reach standardised solutions for road equipment do not hammer development and business opportunities down. A piece of legislation on the recording equipment that strictly prohibits and is blind to additional interoperable service opportunities would actually result in increasing the burden for the industry and widening the gap between legislation and technological innovation.

Concerning the introduction of new equipment, adapted to technical progress, CLECAT considers the mandatory retrofit of existing equipment to be too difficult for transport companies to comply with. We would therefore prefer a flexible solution with retrofitting taking place if the existing equipment is replaced, for example, if defective. We would also like to highlight that conditions for applying for drivers' cards should not be changed with the introduction of new recording equipment in the EU market, in order to ensure a smooth transition to the new generations of tachographs.

Moreover, on the issue of the harmonisation of equipment with regards to tachograph elements where no type-approval is foreseen (e.g. download devices, control equipment, calibration tools), we would prefer to keep the equipment requirements to the standardisation level, i.e. optional. Considering the short life-cycle of road equipment which is naturally keeping up with technological progress under market pressure, the advantage of imposing a costly compliance with EU requirements on road hauliers by mandating the regular maintenance and updating of single tachograph elements is probably not necessary.

CLECAT considers the current situation on the installation and repair of recording equipment made by workshops as

***Uniform rules  
on recording  
equipment  
are essential***

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unacceptable because there are too many disparities between Member States concerning the approval of workshops and the inspections being carried out on them. The first step towards an improvement of the reliability of workshops standards would be to harmonise both the authorisation procedures and the audits of these workshops at EU level.

CLECAT also takes the view that the issue of automatic and manual recording of information is very important: the Commission should decide to set up uniform rules on all the recorded material, because some diverging rules between different Member States still exist. For example, some Member States currently make their own rules on what type of information should be manually recorded with no visible coordination with other Member States. This situation should no longer be tolerated, as the EU Institutions should decide which requirements for automatic/manual recordings are admissible.

CLECAT remains at the entire disposal of the honourable MEPs and other institutional interlocutors, should there be a need to clarify or explain the contents of this position paper in greater detail.



**EUROPEAN COMMISSION**  
DIRECTORATE-GENERAL FOR ENERGY AND TRANSPORT  
DIRECTORATE E - Inland Transport

## **CONSULTATION PAPER**

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

## INTRODUCTION

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.

The purpose of this document is to outline these plans and to seek the opinion of the interested parties. The consultation focuses on the recording equipment only, and does not consider the rules on driving times and rest periods which were adopted by the European Parliament and Council in 2006.

Based on the feedback received in this initial consultation, DG TREN will decide whether and how to proceed. The contributions received will be published by the Commission, unless requested otherwise by their author. The contributions should include the name, details, functions and main objectives of the organisations which send them.

Comments should reach the Commission's services no later than the **1 March 2010** at the following address:

European Commission  
Directorate-General for Energy and Transport  
Unit E1 "Land Transport Policy"  
B-1049 Brussels  
Belgium

and/or to the electronic address:

[tren-e1-consultation-transport@ec.europa.eu](mailto:tren-e1-consultation-transport@ec.europa.eu)

## **1. BACKGROUND: THE COMMUNITY ACQUIS ON RECORDING EQUIPMENT**

Since its introduction, Council Regulation (EEC) No 3821/85 on recording equipment in road transport<sup>1</sup> has been amended by 16 legal acts, mainly in order to adapt the annexes to technical progress. The most important amendment has been the introduction of the digital tachograph through Council Regulation (EC) No 2135/98<sup>2</sup> and Commission Regulation (EC) No 1360/2002<sup>3</sup>. In 2009, the responsible Committee gave a favourable opinion on the tenth adaptation to technical progress of the annex; it will improve user-friendliness and increase the reliability of the system. The consolidated version of Council Regulation (EEC) No 3821/85 contains 269 pages.

The most important legal acts referring directly to Council Regulation (EEC) No 3821/85 are the following.

Regulation (EC) No 561/2006 on the harmonisation of certain social legislation relating to road transport<sup>4</sup> defines maximum driving times and minimum rest periods. It contains several references to the recording equipment, in particular imposing the driver to record also other working activities than driving and periods of availability.

Directive 2006/22/EC on minimum conditions for the implementation of Council Regulations (EEC) No 3820/85 and (EEC) No 3821/85<sup>5</sup> sets minimum targets for the control by Member States of the application of the social legislation by drivers and undertakings. From 1 January 2010, 3% of days worked by drivers of vehicles falling within the scope of Regulations (EC) No 561/2006 and (EEC) No 3821/85 have to be checked; not less than 30 % have to be checked at the roadside, and not less than 50 % have to be checked at the premises of undertakings. The directive also requires Member States to equip and train their control officers for the control of the digital tachograph.

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<sup>1</sup> Council Regulation (EEC) No 3821/85 of 20 December 1985 on recording equipment in road transport, OJ L 370, 31.12.1985, p. 8

<sup>2</sup> Council Regulation (EC) No 2135/98 of 24 September 1998 amending Regulation (EEC) No 3821/85 on recording equipment in road transport and Directive 88/599/EEC concerning the application of Regulations (EEC) No 3820/84 and (EEC) No 3821/85, OJ L 274, 9.10.1998, p. 1

<sup>3</sup> Commission Regulation (EC) No 1360/2002 of 13 June 2002 adapting for the seventh time to technical progress Council Regulation (EEC) No 3821/85 on recording equipment in road transport, OJ L 207, 5.8.2002, p.1

<sup>4</sup> Regulation (EC) No 561/2006 of the European Parliament and of the Council of 15 March 2006 on the harmonisation of certain social legislation relating to road transport and amending Council Regulations (EEC) No 3821/85 and (EC) No 2135/98 and repealing Council Regulation (EEC) No 3820/85, OJ L 102, 11.04.2006, p.1

<sup>5</sup> Directive 2006/22/EC of the European Parliament and of the Council of 15 March 2006 on minimum conditions for the implementation of Council Regulations (EEC) No 3820/85 and (EEC) No 3821/85 concerning social legislation relating to road transport activities and repealing Council Directive 88/599/EEC, OJ L 102, 11.04.2006, p. 35

The recording equipment is the central element to control the application of the legislation on driving times and rest periods in order to ensure road safety, fair competition and good working conditions for drivers. 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. From June 2010, the digital tachograph will become also mandatory for new vehicles used in the international transport by the non-EU Contracting Parties of the AETR<sup>6</sup> which adds 22 countries outside the EU in Europe and in the Commonwealth of Independent States.

## **2. CHARACTERISTICS OF THE NEXT GENERATION OF TACHOGRAPHS**

### **2.1. Functioning of the recording equipment**

The current legislation Council Regulation (EEC) No 3821/85 and its annexes contain very detailed technical prescriptions on the recording equipment and in particular on the digital tachograph. While this may be convenient for control officers and drivers who change regularly from vehicle to vehicle, it leaves manufacturers not much room for innovation and improvement of the equipment.

**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?

CLECAT is the largest umbrella organisation of its kind in the EU. It represents the interests of the vast majority of EU logistics, freight forwarding and Customs-service enterprises ([www.clecat.org](http://www.clecat.org)).

As CLECAT highlighted in the past, it is important that aspirations to reach standardised solutions for road equipment do not hammer development and business opportunities down. A strict legislation would actually result in increasing the gap between the legislation and the latest technological developments. We therefore believe that the Commission should try to find a fair balance between upgradability and interoperability by setting up minimum standards and giving manufacturers the ability to innovate and improve the recording equipment.

### **2.2. Integration of ITS applications**

The Commission foresees in its Action plan on Intelligent Transport Systems (ITS) (COM(2008)886) the development of open in-vehicle platform architecture, designed to be flexible and extendable in time, to afford the integration of different categories of ITS applications expected to come: enforced safety and security applications (like the DT or the e-call), fleet management systems, traffic management systems,

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<sup>6</sup> European Agreement concerning the Work of Crews of Vehicles engaged in International Road Transport

navigation and information systems, etc. This effort should facilitate the integration of the different systems, and prevent the senseless multiplication of independent equipments on board.

The experience accumulated with the introduction of the digital tachograph, (first enforced ITS equipment in trucks and busses), could be central for the development of this open in-vehicle platform for commercial vehicles.

This concept of platform is intrinsically connected to the growing ICT implication in transport, and will therefore be supported by an advanced communication module (radio, GSM, UMTS, GNSS, etc.) allowing for possible 'tracking and tracing' applications.

**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?

CLECAT believes that the Commission should foresee the integration of the digital tachograph into an open in-vehicle platform. It could even go one step further and give enough flexibility in EU legislation to allow the use of on-board computers that would either replace or integrate the current digital tachographs. On-board computers are capable of recording driving and working time of a driver in a safe manner, and can have many other functions (for instance integrating an electronic fee collection device), which can help to reduce the administrative burden in a significant way, improve logistics efficiency and avoid a multiplication of devices in the truck.

This being said, we would like to bring the Commission's attention to the fact that integrating the digital tachograph into an open in-vehicle platform or on-board computer could increase the risk of fraud practices. Indeed, it is possible that existing fraud practices may expand from the digital tachograph only to other ITS applications that take part of the open in-vehicle platform.

### **2.3. Remote download of recorded data and speed of downloading**

The legislation in place already allows remote download of data recorded by the digital tachograph by the transport undertaking. Recently, the necessary equipment for remote download has been made available on the market. For undertakings that use this possibility of remote downloading, administrative burdens are reduced: drivers do not need to download their driver card after 28 days; the data from the tachograph does not have to be downloaded at the premises every three months, etc. The system also shows advantages for control activities: recent data is available in case of a check at premises and no data is lost in case of a breakdown of the equipment. The additional cost of the remote downloading equipment has to be balanced by the above-mentioned benefits.



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

The downloading of the data from the digital tachograph is a very costly administrative exercise and very often difficult to do if a download time falls in while the driver is on a road. CLECAT therefore strongly encourages the remote download of the digital tachograph since it could answer to the problem of the data having to be regularly exported from the driver card every 28 days and would considerably decrease the time it takes to collect the tachograph data from the whole vehicles fleet. Company cards could be kept at the company's headquarters while vehicles continue on their day-to-day business, instead of being specially ordered back to base for the legally required downloading of data from driver cards. A regulatory approach is deemed appropriate by CLECAT in order to facilitate widespread introduction of such practices. However, the Commission should however ensure that the regulation leaves enough freedom for manufacturers to innovate and develop technological devices that improve, for instance, mass memory downloads.

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

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

See comments on question 3

## **2.4. Improvement of controls**

The purpose of recording equipment is the control of compliance with legislation on driving times and rest periods. Through the introduction of the digital tachograph, roadside checks have become more efficient as more days per check are controlled, but they still take considerable time. If the recording equipment would be able to communicate wireless to the outside, a mobile control of moving vehicles would be possible, for example by a control vehicle passing by the controlled vehicle on a highway. This would prevent that trucks and busses that comply with the regulation would be stopped.

On the same line, it could be possible to perform 'basic' controls with tachographs communicating a restricted set of sensitive parameters (e.g. to check whether the driver card is inserted, or if the tachograph is in driving mode) to fix or mobile infrastructure, while the truck is driven. This could help to screen and filter the trucks before a control, increasing the efficiency of the control.

In addition, the digital tachograph records certain events which for example may indicate attempts to tamper the equipment. However, the respective warnings provided by the equipment are not always unambiguous.

**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?

If the digital tachograph contains an on-line system that allows communication with infrastructure (ensuring for instance remote download of the digital tachograph as underlined in question 3), CLECAT is not against mobile “basic” controls while the truck is driven as long as it does not interfere with the driver’s job. The procedure for these “basic” controls would obviously have to be well defined by the EU legislator.

## **2.5. Security level of the system**

One of the main objectives for the introduction of the digital tachograph was to improve the security of the system and the reliability of the data that could be controlled. Three years after its introduction, it appears that the digital tachograph has been an improvement compared to the analogue tachograph. The Commission has continued to work on the security, in particular by introducing the requirement for the equipment to have a second source of motion and the requirement that the motion sensors either detect magnetic fields or is protected from them.

However, updating the technical requirements to progress remains a moving target, as IT developments are ongoing. For the same level of security using the same technological choice, requirements become more difficult to meet, possibly leading to interoperability problems.

**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?

CLECAT is not against the future European “GPS” system to be used for second and independent source of motion to ensure security of data as long as Galileo is considered as a minimum EU standard tool and mentioned in the future legislation on recording equipment.

### **3. PRINCIPLES AND SCOPE**

#### **3.1. Scope of the regulation**

Under the current legislation, the vehicles that fall under the scope of Regulation (EC) No 561/2006 have to be equipped with recording equipment according to Council Regulation (EEC) No 3821/85. Regulation (EC) No 561/2006 provides for a certain number of exceptions; in addition, Member States can grant certain exceptions as defined in the Regulation. Parliament and Council have thoroughly discussed and carefully established these exceptions before adopting the Regulation (EC) No 561/2006.

However, claims of certain users have arisen that the recording equipment leads to too much administrative burden in cases where driving is not the driver's main activity and when the vehicle falls only from time to time within the scope of the Regulation on driving times and rest periods. These claims have of course to be considered against the objectives of Regulation (EC) No 561/2006 and the capability to control the application of its provision.

**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?

#### **3.2. Compatibility and interoperability**

There is no compatibility between the old "analogue" tachograph and the digital tachograph: the analogue system continues to function with paper charts, the digital system uses tachograph smart cards. This side by side of two independent systems may lead to less efficient controls.

On the other hand, Council Regulation (EEC) No 3821/85 foresees strict interoperability criteria for the introduction of new digital tachographs and tachograph cards on the market. That means that new digital equipment has always to be fully interoperable with all the digital tachograph equipment that is already in the field.

However, some adaptations to technical progress of the recording equipment may lead to interoperability problems, and therefore to the necessity to introduce a new generation of recording equipment. In this case, the question arises to what extent a new generation should be compatible with the current digital tachograph generation.

Three options can be envisaged:

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

CLECAT sees option 2 as the fairer solution with the foreseeing of a third generation of tachographs compatible with the current generations of digital and analogue tachographs.

#### **4. TYPE APPROVAL**

##### **4.1. Introduction of equipment based on new specifications**

Council Regulation (EEC) No 3821/85 foresees the possibility for the Commission to adapt the annex containing the specifications of the tachograph to technical progress but does not foresee how the changes are introduced in the field. Questions like whether a retrofit in vehicles using older equipment is necessary, or by what type of equipment defective equipment is replaced are not addressed directly in the legislation.

**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?

CLECAT considers the mandatory retrofit to be too difficult for transport companies to comply with. We would prefer a flexible solution with a retrofit taking place in case of replacement of defective equipment. We would also like to highlight that conditions for applying for drivers' cards should not be changed with the introduction of new recording equipment in the EU market in order to ensure smooth transition to new generations of tachographs and equipments. Finally, CLECAT supports the Commission's idea to have the type approval for tachographs falling under the type approval scheme for vehicles.

Currently, the Regulation does not provide for the possibility to carry out field tests of equipment before it is type approved.

**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.)?

CLECAT encourages the set up of field tests as long as minimum requirements are imposed by the Commission to Member States, which would facilitate cross-border field tests.

#### **4.2. Equipment in relation with the tachograph where no type approval is foreseen**

The current legislation does not provide for detailed requirements in the following fields: seals, downloading equipment, control equipment, calibration tools.

While a legislative approach on this equipment would enhance harmonisation, it has to be evaluated against the administrative obligations that would be created for industry and authorities and the additional efforts needed to keep the respective legislation up to date with technical progress.

The following options could be envisaged:

**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.?

CLECAT would prefer option 2 that would consist in keeping the equipment standardisation as optional. Indeed, even if there is the need to change the current situation and provide certain requirements on the equipment in relation with the tachograph, it would be very costly for some companies to comply with EU legislations that would impose them to regularly maintain up to date their equipment.

#### **4.3. Adaptation to technical progress**

Council Regulation (EEC) No 3821/85 gives the Commission the competence to update the annexes containing the technical requirements of the tachograph to technical progress. This has to be done through a comitology procedure, involving Member States and Parliament. However, the procedure is time-consuming and administratively intensive.

The following options could be envisaged:

**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

**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?

CLECAT considers option 3 (i.e. to have a Regulation that sets the basic principles for the equipment and manufacturers who decide on detailed technical specifications) as the most balanced solution. The comitology procedure mentioned in option 1 is too long and rigid, which leads to a situation where EU legislation is already out dated when finally implemented by Member States. Moreover, as compared to option 1 and 2, option 3 would impose less constraints for manufacturers to adjust the tachograph to technical progress.

## **5. INSTALLATION AND INSPECTION**

Workshops are important part of the tachograph system, as they are responsible for the installation and repair of equipment and in particular also for the calibration of the tachograph. However, the current legislation contains only very basic provisions on workshops, for example that Member States have to approve workshops, but without saying on what criteria workshops have to be approved. This may lead to very different handling in the different Member States. It has to be remembered that for the security of the tachograph, trustworthy workshops are critical.

**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?

CLECAT considers the current situation on this issue as unacceptable because there are too many disparities between Member States concerning the approval of workshops and the inspections being carried out on them. The first step towards an improvement of the trustworthiness of workshops is to harmonise at EU level the procedures of authorisation and audit performed by workshops.

## 6. USE OF EQUIPMENT

### 6.1. Automatic and manual recording of information

The recording equipment automatically records the periods during which the vehicle is moving as "driving time" as well as odometer values and the speed of the vehicle.

Regulation (EC) No 561/2006 stipulates that driver has also to record periods of "other work" and "availability". Council Regulation (EEC) No 3821/85 stipulates that periods of daily rest and breaks have to be recorded manually when the driver was unable to use the equipment as a result of being away from the vehicle. However, there is currently no obligation to record manually weekly rest periods.

Concerning the location, the legislation requires drivers only to record the country in which he or she begins and ends his or her daily work period.

**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)?

First of all, CLECAT considers the issue of automatic and manual recording of information as very important. It is essential that the Commission decides to set up uniform rules on what is being recorded by the equipment because there are still too many diverging rules between Member States. Some Member States currently make their own rules on what type of information should be manually recorded. This is unacceptable since it should be the EU Institutions who should decide where to put requirements on automatic/manual recordings.

Having said that, CLECAT believes that information like position should be recorded automatically by the recording equipment. The automatic recording of a precise position (more than just the country) at the beginning and end of a working day and even if the card is not to be withdrawn or inserted (for example if the card is left in overnight) could for instance help to tackle the issue of double jobs. On this, CLECAT fully supports the use of GPS technology to improve the automatic recording of the location.

On the other hand, the driver should be obliged to enter manually information like weekly rest periods and periods of days rest and breaks, even though the Commission should be aware that this solution would not solve all problems since some drivers do not have the necessary professional competences to fill in certain information manually (hence the importance of continuous training). In any case, a true manual record should only be necessary if:

- an instrument malfunction occurs
- the driver breaches the rules due to an unforeseen event

- a record needs to be corrected

If this happens, the driver should record his activities or reasons on the reverse of a portion of print roll.

## **6.2. Uniqueness of the driver card**

For the use of the digital tachograph, a driver needs to possess his own personalised driver card. The uniqueness of this driver card is extremely important to ensure compliance with the provisions on driving time and rest periods. The exchange of information between countries on driver cards that have been issued is therefore crucial. In order to minimise administrative burden, this exchange should be done electronically and in an automated way. Currently, there is no such obligation to exchange information in the legal body of the Regulation.

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

CLECAT encourages the compulsory use of electronic data exchange on issued driver cards between authorities as it would contribute to reduce administrative burdens experienced by the driver and the haulage company.

## **6.3. Warnings**

The digital tachograph warns the driver 15 minutes before and at the time of exceeding the continuous driving time. This signal might be a help for drivers to comply with the legislation. However, changes in the legislation might lead to situations where the signal becomes misleading because of the difficulty to update equipment already in use.

**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?

According to CLECAT, it should be up to manufacturers' choice to offer warnings as an optional tool as this would give freedom to manufacturers to improve the device without being constrained by EU legislation. On the issue of enhancing compliance with the legislation on driving times and rest periods, CLECAT would however like to remind the reader that no matter how sophisticated a device can be, the compliance falls for many cases human responsibility and on the availability of safe parking spaces for trucks.



## 7. OTHER QUESTIONS

**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?

CLECAT thanks the Commission for its initiative on revising the EU legislation on recording equipment in road transport. We have issued public documents on issues that are closely related to the recording equipment in road transport. The following CLECAT position papers may be interesting for the Commission to consider for its reflexion on a new EU legislation on recording equipment in road transport:

- Position paper on the Commission's proposal for a directive amending directive 2002/15/EC on the organisation of working time of persons performing mobile road transport activities:  
<http://www.clecat.org/dmdocuments/pp014oetro091002wkgttime.pdf>
- Position paper on the Commission's Action Plan on Intelligent Transport Systems (ITS) and the Proposal for a Directive laying down the framework for the deployment of ITS in road transport:  
[http://www.clecat.org/dmdocuments/pp003osecr090227actionplanits\\_copy.pdf](http://www.clecat.org/dmdocuments/pp003osecr090227actionplanits_copy.pdf)
- Position paper on the draft report of the EP Committee on Employment and Social Affairs and the draft opinion of the EP Committee on Transport and Tourism on the Commission's proposal for a directive amending directive 2002/15/EC on the organisation of the working time of persons performing mobile road transport activities:  
<http://www.clecat.org/dmdocuments/pp002oetro100128wkgtm.pdf>
- Position paper on the Commission's report on penalties for serious infringements against the social rules in road transport:  
<http://www.clecat.org/dmdocuments/pp001oetro100111socialrules.pdf>

We thank you for your attention to our comments and we remain at your disposal for any further information or to discuss these points at your convenience ([info@clecat.org](mailto:info@clecat.org)).

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

***Thank you for your cooperation***